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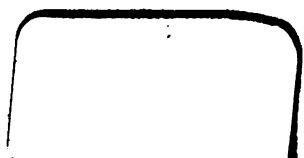
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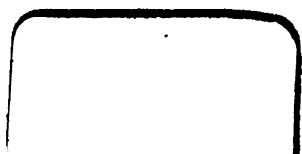
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X

STATUTES

OF THE

PROVINCE OF SASKATCHEWAN

PASSED IN THE SESSION HELD IN THE EIGHTH YEAR OF THE
REIGN OF HIS MAJESTY KING EDWARD
THE SEVENTH

BEING THE

THIRD SESSION OF THE FIRST LEGISLATURE

BEGUN AND HOLDEN AT REGINA ON THE SECOND DAY OF APRIL AND CLOSED BY
PROROGATION ON THE TWELFTH DAY OF JUNE

1908



HIS HONOUR AMEDEE EMMANUEL FORGÈT
LIEUTENANT GOVERNOR

REGINA
JOHN A. REID, GOVERNMENT PRINTER.
1908

L14776

JUL 11 1938

VIA RAIL

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1908

CHAPTER 1.

An Act for granting to His Majesty certain Sums of Money for the Public Service of the Fiscal Year ending the twenty-eighth day of February, 1909.

[Assented to June 12, 1908.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from His Honour Amédée Emmanuel Forget, Lieutenant Governor of Saskatchewan, and the estimates accompanying the said message that the sums hereinafter mentioned are required to defray certain expenses of the public service of Saskatchewan not otherwise provided for during the fiscal year ending the twenty-eighth day of February, one thousand nine hundred and nine and for other purposes relating thereto: May it therefore please your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan as follows:

1. This Act may be cited as "*The Appropriation Act 1908.*" Short title

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole four millions one hundred and sixty-four thousand one hundred and fifty-seven dollars and seventy-seven cents towards defraying the several charges and expenses of the public service from the first day of March in the year of our Lord one thousand nine hundred and eight to the twenty-eighth day of February in the year of our Lord one thousand nine hundred and nine not otherwise provided for and set forth in the schedule to this Act. ^{\$4,164,157.77 granted for 1908-9}

3. Where moneys are granted by this Act for the payment of the salary of an office or clerkship in the inside or outside division of the public service for the fiscal year ending the twenty-eighth day of February one thousand nine hundred and nine and there is nothing to the contrary in the Order in Council or other instrument appointing or promoting any person to such office or clerkship the appointment or promotion shall take effect from the first day of March, one thousand nine hundred and eight. ^{When salaries take effect}

Applications
to be
accounted
for

4. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE.

SUMS granted to His Majesty by this Act for the fiscal year ending February 28, 1909, and for the purposes for which they are granted:

CIVIL GOVERNMENT.

	\$	c.	\$	c.
Lieutenant Governor's Office....	1,382.50			
Executive Council	36,280.00			
Attorney General's Department .	25,160.00			
Provincial Secretary's Depart- ment	4,420.00			
Treasury Department	21,800.00			
Public Works Department	53,700.00			
Agriculture Department	26,780.00			
Education Department	17,490.00			
Railway and Telephone Depart- ment	5,054.00			
Municipal Department	3,890.00			
			195,958.50	

LEGISLATION.

To defray expenses of Legisla- tion	38,235.00
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ADMINISTRATION OF JUSTICE.

Supreme, District and Surrogate Courts	42,207.34	
Police Magistrates Courts.....	1,875.00	
Criminal Investigations	27,500.00	
Gaols	21,620.00	
Police, Prisoners and Insane....	178,000.00	
Registration of Land Titles	91,450.00	
Administration of Liquor License Act	21,550.00	
Miscellaneous Justice	22,000.00	
		406,202.34

1908

APPROPRIATION

Cap. 1

3

PUBLIC WORKS (*Chargeable to Income*).

	\$	c.	\$	c.
Public Buildings (Salaries and Maintenance and Repair)	98,289.38			
Public Improvements, Surveys, etc.	735,000.00			
Miscellaneous Services	35,700.00			
			868,989.38	

PUBLIC WORKS (*Chargeable to Capital*).

Public Buildings (Construction)	838,064.98			
Public Improvements	401,500.00			
			1,239,564.98	

EDUCATION.

To defray expenses of Education	658,524.72
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AGRICULTURE AND STATISTICS.

Assistance to Grain Growing Industry	56,350.00			
Assistance to Live Stock Industry	8,000.00			
Assistance to Dairy and Poultry Industry	61,579.04			
Weed Inspection, Game Preservation and Destruction of Noxious Animals	28,850.00			
Publicity and Statistical Work..	26,750.00			
Bacteriological Laboratory, Research Work and Agricultural Education	12,830.00			
Miscellaneous Services	3,750.00			
			198,109.04	

HOSPITALS, CHARITIES AND PUBLIC HEALTH.

To defray expenses of Hospitals, Charities and Public Health..	45,800.00
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TELEPHONES (*Chargeable to Income*).

To provide for Maintenance and Operation of Telephones	30,000.00
---	-----------

TELEPHONES (*Chargeable to Capital*).

	\$	c.	\$	c.
To provide for construction of Rural and Public Telephone Systems throughout the Pro- vince			250,000.00	

MISCELLANEOUS.

To defray Miscellaneous Expendi- ture		232,775.81
		<hr/>
		\$4,164,157.77
		<hr/>

1908

CHAPTER 2.

An Act respecting Elections of Members of the Legislative Assembly.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Saskatchewan Election Act*." Short title

INTERPRETATION.

2. In this Act:

- | | |
|--|---|
| 1. "Assembly" or "Legislative Assembly" means the Legis-
lative Assembly of Saskatchewan; | Interpreta-
tion
Assembly or
Legislative
Assembly |
| 2. "Candidate at an election" and "candidate" means and
includes a person elected to serve in the Assembly and a person
who is nominated as a candidate at an election or is declared
by himself or by others to be a candidate on or after the day
of the issue of the writ for such election or after the dissolu-
tion of the Assembly or the occurrence of a vacancy in conse-
quence of which the writ has been issued; | Candidate |
| 3. "Corrupt practices" and "corrupt practice" means and
includes bribery and acts or an act declared to be corrupt
practices or a corrupt practice by this or any other Act of the
Legislature of Saskatchewan or recognised as such by the
common law of Parliament; | Corrupt
practice |
| 4. The expression "court" means the district court of the
judicial district within which the electoral division is wholly
or mainly situated and "judge" means the judge of the said
court; | Court and
judge |
| 5. "Election" means an election of a member to serve in
the Legislative Assembly of Saskatchewan; | Election |
| 6. "Election court" means a court constituted under <i>The</i>
<i>Controverted Elections Act</i> for the trial of a petition; | Election
court |
| 7. "Election officers" means the returning officer, the elec-
tion clerk and any deputy returning officers and poll clerks
appointed for an election; | Election
officers |
| 8. "Election petition" means a petition presented in pursu-
ance of <i>The Controverted Elections Act</i> ; | Election
petition |

- Elector** 9. "Elector" or "voter" means any person entitled to vote at an election under the provisions of this Act;
- Electoral division** 10. "Electoral division" means a place or territorial area in Saskatchewan entitled to return a member to serve in the Legislative Assembly of Saskatchewan;
- Form** 11. "Form" means a form in the schedule to this Act;
- Indian** 12. "Indian" means and includes all persons of Indian blood who belong or are reputed to belong to any band or irregular band of Indians; and the words "band" and "irregular band" as used in this clause shall have the meaning given to them respectively by *The Indian Act*, being chapter 81 of *The Revised Statutes of Canada 1906*.
- Member** 13. "Member" means a member of the Legislative Assembly;
- Official agent** 14. "Official agent" means the agent appointed by a candidate under section 260 of this Act;
- Poll book** 15. "Poll book" means the book containing the names of persons who have received ballots or have applied for ballots at an election of a member of the Legislative Assembly;
- Polling day** 16. "Polling day" means the day fixed for voting at an election;
- Polling subdivision** 17. "Polling subdivision" means that portion of an electoral division within which a poll is held;
- Polling place** 18. "Polling place" means the place where votes are recorded at an election;
- Registration, registered, etc.** 19. "Registration," "registered" and all words of similar import include proceedings taken by a registrar or deputy registrar in compiling a list of voters pursuant to sections 47 to 51 both inclusive of this Act;
- Voting, to vote** 20. "Voting" or "to vote" means voting or to vote at the election of a member to serve in the Legislative Assembly of Saskatchewan;
- Voters' list** 21. "Voters list" or "list of voters" includes any list made and revised under the provisions of this Act of persons entitled to vote at an election;
- Writ** 22. "Writ" means the document addressed by the clerk of the Executive Council to the returning officer requiring the holding of an election.
3. Whenever in this Act any particular time of the day is referred to the same shall mean "mountain standard time."
- As to provision requiring presence of agents** 4. Whenever in this Act any expressions are used requiring or authorising any act to be done in the presence of agents of the candidates, such expressions shall be deemed to refer to

the presence of such agents of the candidates as are authorised to attend and as have in fact attended at the time and place where such act or thing is being done.

IRREGULARITIES IN CONDUCT OF ELECTION.

5. No election shall be declared invalid by reason of:

- (a) Any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or
- (b) A failure to hold a poll at any place appointed for holding a poll; or
- (c) Noncompliance with the provisions of this Act as to the taking of the poll or the counting of the votes or as to limitations of time; or
- (d) Any mistake in the use of the forms contained in the schedule hereto;

Election not to be void in certain cases for want of compliance with directions of Act where result not affected

if it is shown to the satisfaction of the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, noncompliance or mistake did not affect the result of the election.

OATHS AND AFFIDAVITS.

6. Except where otherwise provided any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for oaths or a notary public.

Who may take oaths

(2) Each registrar and deputy registrar shall have power to administer any oath or affidavit required by this Act with respect to the making and revising of lists of voters and each returning officer shall have power to administer any oath or affidavit required by this Act with respect to any election and each deputy returning officer and poll clerk may administer any oath or affidavit required by this Act with respect to any election except such as is required to be administered to the returning officer.

Oaths, who to administer

(3) Every person before whom it is herein provided that an oath or affidavit may be taken shall administer the same gratuitously.

No charge for administering oaths, etc.

AGENTS.

7. A person who by section 11 is disqualified and incompetent to vote or who within eight years has been found guilty by a competent tribunal of corrupt practices shall not act as agent for a candidate at an election; and any person violating this enactment shall incur the same penalty as if he had voted at the election.

Certain persons disqualified from acting as agents Penalty

Candidates
may
undertake
duties of
agents

8. A candidate may himself undertake the duties which any agent of his (except his official agent) might have undertaken if appointed or may assist his agent in the performance of such duties and may be present at any place at which his agent may in pursuance of this Act attend except at the marking of a ballot under section 158.

Expressions
referring
to agents
Nonattend-
ance of
agents

9. Where in this Act expressions are used requiring or authorising any act to be done in the presence of the agents of the candidates, the nonattendance of any agent shall not invalidate the act done.

QUALIFICATION OF CANDIDATE.

Who may be
candidates

10. Any male person of the full age of twenty-one years and a British subject by birth or naturalisation resident in Saskatchewan who is not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate.

QUALIFICATION OF VOTERS.

Who shall not vote.

Who shall
not vote

11. The following persons shall be disqualified and incompetent to be registered as voters and to vote:

1. The judges of the supreme court and of the district courts;
2. Persons of the Chinese race;
3. Indians;
4. Persons disqualified from voting under the provisions of this or any other Act relating to corrupt practices;
5. Any person who at any time during the period fixed by the proclamation of the Lieutenant Governor in Council for the preparation or revision of the list of voters or on the polling day at any election is a prisoner in gaol or prison undergoing punishment for a criminal offence or is a patient in a lunatic asylum.

Who may vote.

Who may
vote

12. Except as in this Act otherwise provided every male person shall be qualified to be registered as a voter and to vote at the election of a member under this Act who is a British subject of the full age of twenty-one years and has resided in Saskatchewan for at least twelve months and in the electoral division where he seeks to vote for at least three months immediately preceding the date of the closing of the registration of voters under the provisions of this Act.

(2) Any person otherwise qualified who is at the said date a resident of such electoral division and who has been a resident in Saskatchewan for one year immediately prior to said date but who has not been a resident of such electoral division for three months immediately prior to said date shall be entitled to be registered as a voter for the electoral division of and within which he was last a resident for three months during said period of one year:

Provided however that any person if otherwise qualified becoming a naturalised British subject or attaining the full age of twenty-one years at any time up to and inclusive of the last day fixed in an electoral division for the revision of the lists of voters shall be entitled to be registered as a voter.

(3) Each person shall be entitled to be registered or placed on the list of voters for the polling subdivision in which he resides or in which he last resided in cases under subsection (2) hereof and in no other.

RULES AS TO RESIDENCE OF VOTERS.

13. For the purposes of registration of voters under this Act the place of residence of any person shall be governed by the following rules as they shall be applicable: Rules as to place of residence

1. The residence of a person shall be the place in which his habitation is fixed and to which whenever he is absent therefrom he has the intention of returning; Fixed habitation

2. A person shall not lose his residence who leaves his home for temporary purposes; Temporary absence

3. If a person departs from Saskatchewan with the intention of making his residence elsewhere he loses his residence in Saskatchewan; Intention to change residence

4. The place where a man's family resides shall be deemed to be his place of residence but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides shall be deemed to be resident where he so resides; Residence apart from family

5. The residence of a single man shall be where he usually sleeps; Of an unmarried man

6. A change of residence can be made only by the act of removal joined with the intention to remain permanently in another place. There can be only one residence; Only one residence

7. No person while he remains in Saskatchewan shall be deemed to have lost his residence until he has gained another.

14. A list of voters of the several electoral divisions of Saskatchewan shall be made and revised at the times and in the manner hereinafter provided.

LIST OF VOTERS.

15. On or before the first day of August, 1908, and annually thereafter on or before the first day of May the Lieutenant Governor in Council shall:

Appoint-
ment of
registrars

1. Appoint proper persons to act as registrars in and for the several electoral divisions of the province;

Appoint-
ment of
revising
officer

2. Appoint a district court judge to be a revising officer for each electoral division at the court of revision for such electoral division.

Annual
proclama-
tion

16. The Lieutenant Governor in Council shall at the same time authorise the issue of a proclamation (form 1) setting forth:

1. That it has been determined to make and revise lists of voters for each electoral division;

2. The names and post office addresses of the persons appointed to act as registrars of the several electoral divisions;

3. Whenever it has been so determined that in the case of polling subdivisions not included in city constituencies, cities and towns each deputy registrar shall compile a list of voters by process of enumeration subject to final revision by the court of revision and that no personal application for registration will be necessary;

4. The days, not less than ten nor more than fifteen in number, on and the hours between which each deputy registrar shall sit for the purpose of receiving applications for the registration of voters;

5. The date being the fifth day after the close of the registration sittings upon or before which each deputy registrar shall post up the list of voters as required by sections 45 and 50 of this Act.

(2) The date to be fixed for the commencement of registration under clause 4 hereof shall be not less than thirty days after the date of the proclamation.

Clerk of the
Executive
Council to
notify of
appoint-
ment

17. The clerk of the Executive Council shall forthwith send to each registrar and each revising officer so appointed notification (forms 2 and 3) of his appointment.

And to
publish
proclama-
tion

18. The clerk of the Executive Council shall forthwith after the issuing of the proclamation hereinbefore provided publish the same in *The Saskatchewan Gazette* and cause to be published a notice containing the information required by clauses 1, 3, 4 and 5 of section 16 to be given in every newspaper published in the province.

BOOKS AND FORMS.

19. The clerk of the Executive Council shall at the time of giving official notice to such registrar of his appointment or as soon thereafter as possible provide and furnish each registrar appointed for each electoral division as aforesaid with such a number of copies of the last revised list of voters, if any, for such electoral division certified under his hand as shall be sufficient for the purposes of the annual making and revising of such list together with a sufficient number of books for the use of the several deputy registrars appointed by him for the several polling subdivisions of the electoral division; such book shall be known as the "Register" (form 4).

A suitable register to be supplied to each registrar

20. The clerk of the Executive Council shall also at the same time provide and furnish each registrar for the use of himself and his deputies with a sufficient number of the interrogatories' book containing such number of the forms of the interrogatories (forms 5, 6 and 7) and statutory declaration as may be necessary and also such other forms and other books, stationery, writing material and appliances as may be necessary for the proper registration of voters and for the other purposes of this Act.

Other forms, books, etc., to be supplied

21. The government printer shall on the requisition of the clerk of the Executive Council from time to time cause to be prepared and be procured such books, forms and other requisites as may be necessary for the proper registration of voters and the performance of the duties of a registrar or deputy registrar in every respect as required under this Act; the books and forms referred to shall as far as practicable be prepared in accordance with the forms given therefor in the schedule to this Act.

Duties of the government printer

REGISTRARS AND THEIR DUTIES.

22. Each registrar appointed under this Act shall be a person possessed of the qualifications entitling him to be registered as a voter in the electoral division of which he has been appointed registrar.

Qualifications of registrar

23. Each registrar shall forthwith after receiving notice of his appointment:

Duties of registrar

1. Take and subscribe the oath of office (form 8);

2. Divide the electoral division into polling subdivisions for the purposes of registration and polling of voters at an election having regard as far as practicable to the number of persons capable of being registered as voters:

Provided however that each polling subdivision shall contain if possible not more than two hundred voters and

Proviso

shall be distinguished by a name and by a number commencing with the number "1"; polling subdivisions not included within the limits of a city or town shall be first consecutively numbered and after them polling subdivisions included within the limits of a city or town:

Provided further that except in the case of city constituencies no polling subdivision shall be so situated as to be partly within and partly without the limits of any city or town;

3. Appoint by commission under his hand (form 9) such number of proper and competent persons to act as deputy registrars for the electoral division and shall allot to each such deputy certain polling subdivisions within which he shall act:

Provided that except in the case of city constituencies not more than two such deputies shall be appointed for each city or town and no deputy appointed for a city or town shall act in any polling subdivision situated without the limits of such city or town;

4. Determine the place or places at which each deputy registrar shall sit for the purpose set forth in subsection (4) of section 16 of this Act.

Registrar to
act as
deputy
registrar

(2) The registrar in making such allotment of polling subdivisions may reserve any number of polling subdivisions not exceeding three within which he shall himself act in the capacity of and perform all the duties by this Act imposed upon a deputy registrar and shall in the performance of such duties have the same powers and be subject to the same penalties as a deputy registrar under this Act;

(3) Clause 2 of subsection (1) hereof shall apply only to the registrars appointed under section 15 hereof for the making and revising of lists of voters in the year 1908; and until otherwise provided by law the polling subdivisions so established in the several electoral divisions in the year 1908 shall be and remain the polling subdivisions of the said electoral divisions for the purposes of the making and revising of voters' lists and of elections.

24. Each registrar shall forthwith after complying with the requirements of the next preceding section:

Notice of
registration
sittings

1. Insert in a newspaper published in the electoral division of which he is registrar or if there be no newspaper published therein in a newspaper which has a circulation therein in two consecutive issues of such newspaper a notice (form 10);

2. Cause to be printed in poster form headed in large letters "Registration of Voters" a number of copies of such notice sufficient for the purpose of posting up one of such poster notices outside and inside each of the places or buildings at or in which applications for registration of voters

will be received under this Act and also in the places required by section 28 of this Act;

3. Cause to be printed in poster form a number of copies sufficient for the purpose of posting up in the manner set forth in the next preceding clause of the notice (form 11) setting forth at length sections 11 to 13 both inclusive of this Act stating the qualifications to be possessed by persons in order to entitle them to be registered as voters;

4. Transmit by parcel post, registered or deliver personally to each deputy registrar appointed by him a number of copies of both of such notices sufficient for the purpose of posting as aforesaid together with such a number of copies of the last revised list of voters, if any, for each polling subdivision of the electoral division for which he is deputy registrar certified by the clerk of the Executive Council as shall be sufficient for the purposes of posting up the same in accordance with the provisions of section 28;

5. Transmit by registered post to the clerk of the Executive Council three copies of each of such poster notices.

25. In the event of a registrar refusing or neglecting to perform the duties of his office or becoming incapacitated either by death, illness, absence or otherwise the Lieutenant Governor in Council shall appoint another person to act as registrar in the stead of the person so refusing or neglecting or becoming incapacitated as aforesaid. ^{Neglect of registrar}

26. Each deputy registrar appointed under this Act shall forthwith and before performing any act or duty as such deputy registrar take and subscribe the oath of office (form 12). ^{Oath of office}

27. In the event of a deputy registrar refusing or neglecting to perform the duties of his office or becoming incapacitated either by death, illness, absence or otherwise the registrar of the electoral division for which such deputy was so appointed shall appoint another person to act as deputy registrar in the place of the person so refusing or neglecting or becoming incapacitated as aforesaid. ^{Vacancy in office}

28. Every deputy registrar shall forthwith after receiving notice of his appointment and the poster notices (forms 10 and 11) and complying in other respects with the provisions of this Act post up or cause to be posted up in each polling subdivision to which his appointment is applicable one copy of the poster notices (forms 10 and 11) hereinbefore referred to and one copy of the last revised list of voters, if any, for such polling subdivision in each post office and on each school ^{Deputy registrar to post up notice}

house and in at least two conspicuous places in such polling subdivision; and such poster notices shall be posted at least ten days prior to the date fixed for the commencement of the registration sittings in any electoral division.

REGISTRATION SITTINGS.

Registration sittings

29. Each deputy registrar shall for the purpose of the registration of voters provide suitable and convenient places properly lighted and heated; and in no case shall any such place be a building or part of any building wherein intoxicating liquors are sold.

Places for holding

30. Such place shall be within one of the polling subdivisions for which the deputy registrar is appointed to act and shall be in as central a location as is conveniently possible having regard to all the polling subdivisions for which he is so appointed:

Provided however that whenever the greater convenience of voters would be suited thereby the place for holding registration sittings for a polling subdivision not included within the limits of a city or town may instead of being in such polling subdivision be in an adjoining city or town:

Provided further that in case from any cause it is impossible to use any place appointed for the registration of voters another suitable place shall be procured by the deputy registrar and such notice as is practicable shall be given of the change.

Procedure at sittings

31. The deputy registrar shall attend and sit for the purpose of receiving applications for registration of voters at the place hereinbefore mentioned every day except Sunday during the period provided for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon with intermissions from half past twelve to two o'clock and from six o'clock to half past seven o'clock, and shall before receiving any applications for registration post up inside and outside of the place where the registration sittings are held copies of poster notices (forms 10 and 11) and of the last revised list of voters hereinbefore referred to, if any, and shall take all reasonable precautions to direct the attention of all applicants to the same.

Sittings for registration of working men

32. The time from half past seven o'clock until nine o'clock in the afternoon shall as far as possible be set apart for the registration of workingmen.

PERSONS ENTITLED TO BE PRESENT AT REGISTRATION SITTINGS.

Persons entitled to be present at registration sittings

33. The following persons shall be entitled to be present at sittings for the registration of voters under the provisions of this Act:

1. The member of Parliament and the member of the ^{Who may be present at sittings} Legislative Assembly within whose constituency any one of the polling subdivisions for which the sittings are held or any part thereof was situated at the last Dominion or provincial election respectively;
2. The unsuccessful candidate or candidates for such constituency at the said last Dominion and provincial election;
3. One agent of each of said members or candidates to be appointed in writing over the signature of the said member or candidate;
4. Any of the members of the council of any municipality within which any one of the said polling subdivisions is wholly or partly situated;
5. Any number of spectators not exceeding six at the one time in addition to the persons before mentioned and the officers in attendance.
6. An interpreter or interpreters when necessary who shall be sworn by the deputy registrar.

METHOD OF REGISTRATION.

34. Registration under this Act shall be applicable only ^{Registration} to those persons whose names are not contained in the last revised list of voters, if any.

(2) When a person claiming to be entitled to be registered ^{Procedure at registration sittings} as a voter applies for registration the deputy registrar shall proceed as follows:

1. He shall administer to the applicant the interrogatories ^{Administering interrogatories} contained in form 5 filling in said form from the answers given by the applicant and shall also cause the applicant to take and subscribe the statutory declaration contained in said form 5:

Provided that it shall be the duty of the deputy registrar ^{Proviso} in case an applicant is in error as to the polling subdivision in which he should be registered to take all reasonable steps ^{Directing applicant in error} to direct such applicant to the deputy registrar to whom such application should properly be made;

2. He shall ascertain from such applicant and enter in the ^{Entering particulars} register (form 4) the following particulars:

- (a) The polling subdivision within which such applicant is residing or for which he claims to be entitled to be registered under the provisions of subsection (2) of section 12 of this Act at the time of the application;

- (b) His full name;
- (c) His place of residence;
- (d) His occupation;

Applicant to be interrogated only through medium of deputy registrar

3. He shall put to the applicant any questions which may be asked concerning the applicant's right to registration by any of the persons mentioned in clauses 1, 2, 3 and 4 of section 33 of this Act:

Provided that no such person shall be permitted to question the applicant except through the deputy registrar as hereinbefore provided and no such question shall be put unless in the opinion of the deputy registrar it is relevant and material;

Result of application to be declared

4. If it appears to the deputy registrar from the answers given by the applicant to the interrogatories in form 5 and to any questions that may be put to him as hereinbefore provided and from any other evidence that may be produced that the applicant is entitled to be registered the deputy registrar shall announce that the application is granted and write opposite the applicant's name in the register the word "allowed"; but if it appears to such deputy registrar that such applicant is not entitled to be registered he shall announce that the application is refused and shall write in such place in the register the word "disallowed"; and such decision of the deputy registrar shall be final subject to appeal as herein provided.

Deputy registrars may vote

(3) Any registrar or deputy registrar qualified to be registered and to vote in any polling subdivision for which he is acting may be registered in said polling subdivision upon signing and declaring the interrogatories in form 5 in the presence of a justice of the peace, notary public or commissioner for oaths.

Refusal to answer interrogatories

35. If an applicant for registration refuses to answer any of the interrogatories or to take or subscribe the statutory declaration contained in form 5 the deputy registrar shall mark such applicant "disallowed" and shall enter a note of such refusal in the remarks column of the register opposite such applicant's name.

Appeal to revising officer from decision of deputy registrar

36. If any applicant is refused registration under the provisions of the next two preceding sections he may have the decision of the deputy registrar reviewed by the revising officer appointed to revise the list of voters for the polling subdivision at the time or times appointed for the revision of the said list as hereinafter provided; and in all such cases the deputy registrar shall give to the said applicant a certificate (form 13); but notwithstanding the provisions of this section the said applicant may be entered on the list under the provisions of section 60 hereof.

37. If any person who claims to be entitled to be registered as a voter is unable to attend the registration sittings during the days on which the same are held or any of them by reason either: Registration of absent and sick persons

- (a) Of sickness or other disability; or
- (b) That he is necessarily temporarily and unavoidably *bona fide* absent from the electoral division in which he claims to be entitled to be registered as a voter in the prosecution of his business, calling or of his occupation or by reason of other good and sufficient cause which shall be established to the satisfaction of the deputy registrar;

a notice (form 14 or 15) signed by such person or on his behalf by some person to whom he is well known and having a personal knowledge of the facts may be given to the deputy registrar acting for the polling subdivision in which such person claims to be entitled to be registered as a voter accompanied by complete and satisfactory answers to the interrogatories (forms 6 or 7) verified or substantiated by statutory declaration duly subscribed before a registrar or deputy registrar, a notary public, justice of the peace or commissioner for oaths.

(2) The person making such application on behalf of another person shall appear before and be subject to examination by the deputy registrar as provided in the case of applicants under section 34 hereof.

38. The deputy registrar shall enter the said name with particulars in the register and if satisfied that such applicant is entitled to be registered as a voter shall announce that the application is granted and shall enter the word "allowed" opposite such applicant's name; otherwise he shall announce that the application is refused and shall write the word "disallowed" opposite such applicant's name; in either case he shall note in the remarks column that such application was made under the provisions of the next preceding section; all such rejected applications shall be severally dealt with by the deputy registrar as set forth in section 36 of this Act. Entries in register

39. The registration of the name of any person applying to be registered as a voter may be objected to by any of the persons named in clauses 1, 2, 3 and 4 of section 33 of this Act and if the objection is overruled by the deputy registrar a note of such objection shall be recorded in the remarks column of the register. Who may object

40. At the expiration of each day of registration the deputy registrar shall in the presence of those entitled to be present read over in an audible voice and check the names of Checking entries

all the applicants entered that day in the register with all the particulars set opposite each name and may correct any mistake or error discovered in the register initialing all such corrections.

Procedure
to be
followed at
end of each
day's sitting

41. After the completion of the checking and reading of names herein provided for the deputy registrar shall write in the said register on the line next following the last name entered therein the words "end of sitting" giving the day of the month and the year of sitting, shall sign his name thereto and shall permit any of the persons mentioned in clauses 1, 2, 3 and 4 of section 33 who may so desire to write their initials thereto.

Only the
deputy
registrar
to make
entries in
books or
to have
custody
of them

42. Except as above provided no person except the deputy registrar shall write or be permitted to write upon or in any way meddle with the register or interrogatories' book and the deputy registrar shall keep the same in his custody and control until he transmits the same to the registrar as hereinafter provided.

Continua-
tion of sit-
tings if
necessary

43. In case by reasons of interruptions or other emergency a sitting of the deputy registrar is not commenced on the proper day or is interrupted after being commenced and before the closing thereof the deputy registrar shall resume the registration on the following day and so on from day to day within the hours hereinbefore limited until the registration sittings have been opened and kept open without interruption and with free access thereto for persons desiring to be registered for the full number of days provided by this Act; the times limited for the registration of voters shall be directory only and any mistake or miscarriage in respect thereto shall not invalidate the list of voters.

Deputy
registrar to
have powers
of a justice
of the peace

44. Every deputy registrar shall during the days of sittings for the registration of voters under the provisions of this Act be a conservator of the peace and be clothed with the same powers as a justice of the peace in this province and may appoint if necessary special constables for the maintenance of order and for the arrest of and detention of persons guilty of personation of others or of attempting to personate others for the purpose of registration or who impede or improperly interrupt the proceedings of registration or create a disturbance and also may if necessary forcibly remove or direct the forcible removal of any person from the place wherein the registration is taking place; the deputy registrar and the constables appointed by him under the provisions of this section shall have full power to act in the premises without taking any oath.

Appoint-
ment of
special
constables

POSTING LISTS OF APPLICATIONS.

45. The deputy registrar shall with reasonable expedition and despatch and in any event within five days after the closing of the registration:

Proceedings after close of registration sittings
Certified lists

1. Prepare in writing a full, complete and true list certified under his hand (form 16) for each polling subdivision for which he is acting showing the names alphabetically arranged according to the surname of all persons whose names appear in the last revised list of voters and also of all persons who have been registered and allowed by him as voters in each such polling subdivision;

2. Post a certified copy of such list in a conspicuous place in the city hall, town hall or other building or place used for the meetings of the council of the municipality and in at least two conspicuous places in the polling subdivision to which such list refers; such list shall remain so posted up until and inclusive of the fifteenth day after the closing of the registration.

Posting up of copies

46. The deputy registrar shall keep the original list which shall be accessible to all persons applying to see the same and any such person may if he so desires take extracts therefrom.

Obtaining copies

(2) It shall be the duty of the deputy registrar when so posting up copies of the lists also to attach to each of them a notice (form 17) showing the date and place for sittings of the court of revision to revise the list for the said polling subdivision as fixed by the revising officer under the provisions of section 59.

Posting notice of sittings of court of revision

PREPARATION OF LISTS OF VOTERS IN POLLING SUBDIVISIONS NOT INCLUDED IN CITY CONSTITUENCIES, CITIES AND TOWNS.

47. In the case of polling subdivisions not included within the limits of city constituencies, cities and towns the Lieutenant Governor in Council may declare that sections 47 to 51 both inclusive of this Act shall apply to the making and revision of such lists of voters and that sections 28 to 46 both inclusive of this Act shall not apply and in such case sections 47 to 51 both inclusive of this Act shall apply to the making and revision of such lists of voters and sections 28 to 46 both inclusive of this Act shall not apply.

Preparations of voters' lists in polling subdivisions not included in city constituencies, cities and towns

(2) In such case the last revised voters' list shall be of no force or effect but the registrar shall proceed as though such last revised voters' list had not been made.

48. Every deputy registrar shall forthwith after receiving notice of his appointment and the poster notices (forms 10

Posting up notices and copies of lists

and 11) and complying in other respects with the provisions of this Act post up or cause to be posted up in each polling subdivision to which his appointment is applicable one copy of the poster notices (forms 10 and 11) hereinbefore referred to in each post office and in at least two conspicuous places in such polling subdivision:

Provided that when there are one or more public or separate school houses in any polling subdivision such notice shall also be posted on each such school house.

Deputy to
compile list
of voters

49. After posting up the notices referred to in the next preceding section the deputy registrar shall by visiting every house or other dwelling place in each of the polling subdivisions for which he is appointed and by careful personal inquiry compile a list (form 18) of the names (arranged in alphabetical order of each surname), residences, occupations and post office addresses of all persons qualified to be registered as voters in each polling subdivision.

Posting
copies of
list of
voters

50. The deputy registrar shall on or before the date fixed by the proclamation provided for in section 16 of this Act for posting up of the list make and post up a copy of such list, certified under his hand in each post office and in at least two conspicuous places within the polling subdivision; such list shall remain so posted up until and inclusive of the fifteenth day after the close of the registration.

(2) A copy of the list shall also be posted up on each school house in such polling subdivision.

Notice of
sittings of
court of
revision

(3) Each deputy registrar shall also attach to each copy posted up by him a notice (form 17) showing the date and place for holding the sittings of the court of revision to revise the said list for the said polling subdivision as fixed by the revising officer under the provisions of section 59.

Deputy
registrar's
powers of
getting in-
formation

51. In the performance of his duties every deputy registrar shall have power and is hereby required whenever necessary to demand and receive such information from any registrar of births, deaths and marriages or any constable or peace officer or any person in the public service or any mayor, reeve, clerk, secretary or other officer of any municipality or local improvement district or any other person whomsoever as may enable him to identify any person or to ascertain the residence of any person or to ascertain whether any person is dead or has left his polling subdivision or is under any disability or is qualified or disqualified as a voter; and any person who on being required to give any such information does not give all information in his power shall be liable on summary conviction to a fine not exceeding \$100 and costs and not less than \$10 and costs.

(2) The deputy registrar shall also have power when necessary to employ an interpreter or interpreters whom he shall swear to faithfully perform the duties of such interpreter or interpreters.

OBJECTIONS TO RETENTION OF NAMES ON THE LIST OF VOTERS.

52. Objections or complaints may be made by any of the persons mentioned in clauses 1, 2, 3 and 4 of section 33 or by any person entitled to be registered as a voter in the electoral division to the retention of any name or names on the list of voters referred to in sections 45 or 49 of this Act by delivering or transmitting by registered post to the deputy registrar at his post office address set forth in the poster notice (form 10) within ten days after the date fixed for posting the list of voters pursuant to sections 45 and 50 of this Act a notice in writing in the case of each objection or complaint setting forth the grounds of such objection or complaint and giving the name and post office address of the objector or complainant and of the person objected to.

Objections
to names
on the
list of
voters

(2) All such notices as and when received by the deputy registrar shall be numbered consecutively and shall be dealt with by him in the following manner, that is to say: He shall immediately by registered post transmit a notice (form 19) to each person against whose name objection or complaint has been made; all such notices shall be addressed to the post office addresses shown on the list of voters and the registration certificate or receipt received by the deputy registrar from the post office shall in each case be attached to the notice of objection or complaint to which it refers and shall at the court of revision be *prima facie* evidence in each case that such notices have been mailed to and received by the persons against the retention of whose names on the list of voters objection or complaint has been made; such notices of objections or complaints as and when received shall be by the deputy registrar noted in writing in a list of objections made for the purpose in which shall be set forth the name of the person against whom objection or complaint is made.

Procedure
Make list of
objections

(3) Objection or complaint may be made as aforesaid against the retention of the name of any person on the grounds of want of qualification, death or removal or that the name of such person is wrongfully stated in the list of voters or upon any grounds that would disqualify such person from having his name retained on such list under this Act.

(4) Each objection or complaint given to the deputy registrar under this section shall be in respect of one name only in each case.

TRANSMISSION OF PAPERS TO THE REGISTRAR.

Transmission of papers by deputy registrar to registrar

53. Within two days (Sunday excluded) after the last day provided for the lists to remain posted up each deputy registrar shall transmit or deliver to the registrar whose deputy he is the list prepared by him pursuant to sections 45 or 49 of this Act duly certified by him together (in the case of a list of voters made in accordance with the provisions of sections 47 to 51 both inclusive) with an affidavit (form 20) annexed thereto duly sworn and subscribed, the register, all interrogatories and statutory declarations received, all objection or complaint notices against the retention of names on the voters' list and all other papers or things in any way relating to the registration in each of the polling subdivisions for or in which he has acted as deputy registrar, accompanied by a certificate (form 21) to the effect that the list of names of persons contained in the register is true in substance and in fact and contains the names of all the persons who have applied to be registered as voters in the said polling subdivision and that all the said objection or complaint notices are by him transmitted or delivered, as the case may be.

TRANSMISSION OF LISTS, ETC., TO CLERK OF EXECUTIVE COUNCIL AND TO REVISING OFFICER.

54. The registrar shall forthwith:

Forwarding copy to clerk of Executive Council

1. Transmit to the clerk of the Executive Council the duly certified lists of voters for each polling subdivision in his electoral division forwarded to him by the different deputy registrars under the provisions of section 53; and

Forwarding documents to revising officer

2. Transmit to the proper revising officer for the electoral division the register, all interrogatories and statutory declarations received and all notices of objections or complaints against the retention of names on the register and all other books, papers or things in any way relating to the enumeration or registration in the electoral division for or in which he has acted as registrar.

PRINTING LISTS.

Clerk of the Executive Council to procure three hundred copies

55. The clerk of the Executive Council shall within thirty days after the receipt by him of the lists of voters referred to in the next preceding section:

(a) Cause to be printed at least three hundred copies of such lists of each electoral division making one entire list for each said electoral division and appropriately dividing the said list into polling subdivisions according to the lists received from the registrar;

To send copies to

(b) Send to each revising officer for the purposes of the court of revision two copies thereof applicable to

each of the electoral divisions for which he has been appointed revising officer. each revising officer

(2) Certified copies of said lists or of any particular list may be obtained by any person from the clerk of the Executive Council upon the payment therefor at the rate of ten cents for each polling subdivision. Copies to be furnished

COURT OF REVISION.

56. For the purposes of revising the list of voters for each electoral division referred to in the next preceding section in the manner hereinafter provided the judge of the district court appointed under the provisions of clause 2 of section 15 of this Act shall be the revising officer for the electoral division or divisions for which he is so appointed. Allotment of electoral divisions to revising officer

57. The revising officer shall have and possess all the powers and authority conferred upon him by this Act subject to no abatement, limitation, variation or interference by any court or process of law in Saskatchewan or otherwise howsoever. Power of revising officer

58. Where any revising officer is unable to act at any of the sittings of a court of revision he may appoint a barrister of Saskatchewan to be revising officer in his place. May appoint substitutes

59. Before the time fixed for the closing of the registration the revising officer shall by registered post notify the registrar of each electoral division for which he is acting of the date or dates on, the place or places in the said electoral division and the hours between which courts of revision will be held for each electoral division: To notify registrars

Provided that no such date or dates shall be later than two months after the closing of the registration sittings.

(2) The registrar shall forthwith notify each deputy appointed by him of said dates and places and shall forward to each such deputy a notice (form 22).

(3) The revising officer in fixing the places for such sittings shall have regard to the convenience of voters in attending said courts and shall distribute his sittings in such manner as to obviate the necessity of long distances being travelled to the said courts.

60. For the purpose of offering the widest scope for the registration of voters any person claiming to be entitled to be placed on any list of voters in any electoral division may notwithstanding the fact that his name has been omitted from the list of voters posted pursuant to sections 45 and 50 of this Act or that he has neglected or omitted to apply for registration Registration by revising officer at court of revision

at any one of the sittings of the deputy registrar of the polling subdivision in respect of which such person claims to be entitled to have his name entered on such list of voters; and any person who having applied has been refused registration by such deputy registrar may apply to have his name entered on such list of voters as aforesaid at any of the sittings of the court of revision and shall be entitled to have his name entered on such list of voters by the revising officer at the court of revision if after *viva voce* examination on oath the revising officer shall be of opinion that such applicant possesses the necessary qualifications in that behalf. No notice of application for the purposes of this section shall be required:

Provided however that in the case of all persons whose applications were refused by the deputy registrars the respective applicants shall first produce and file with the revising officer the certificate required to be given by deputy registrars under the provisions of section 36 of this Act.

METHOD OF REVISION.

Revision

61. The revising officer shall revise the printed list of voters of each electoral division to which his appointment relates transmitted to him by the clerk of the Executive Council under the provisions of section 55 of this Act in the following manner and in strict accordance with the provisions hereinafter contained, that is to say:

How to be made

1. All the names appearing thereon or therein and as to which no objections or complaints shall have been lodged with the deputy registrar as hereinbefore provided shall be allowed to stand without investigation as to qualification;

Objections to be tried

2. All the objections or complaints lodged with the deputy registrar as to the retention of names of persons on the list as by this Act hereinbefore provided shall be heard and determined;

Striking off names

3. Opposite to or at the side of the name of any person struck off the printed list of voters the revising officer shall write the words "struck off" followed by his initials;

Procedure in dealing with objections to names on register

4. In the case of names in respect of which objections or complaints have been lodged with the deputy registrar as to the retention thereof on the list of voters and appearing on the list of voters as hereinbefore provided the revising officer shall deal with the same separately upon the merits to be disclosed by *viva voce* examination of the several applicants, the persons against whom such applications have been made and the witnesses present on their behalf. After hearing each application as above provided the revising officer shall in his discretion either strike off the name of the person from the printed list of voters or allow the same to stand. The onus of substantiating sufficient *prima facie* ground to strike

off any name from the said list shall be entirely upon the applicant and it shall not be necessary for any person whose name has been objected to to adduce proof in the first instance that his name properly appears on the list or until after the revising officer avers that in his opinion such *prima facie* ground has been established. The absence from or nonattendance at the sittings of the revising officer at the time application is heard of any person whose name has been objected to shall not relieve the applicant from substantiating such *prima facie* case as aforesaid by evidence which shall in the absence of rebuttal evidence be deemed conclusive evidence that the name of such person improperly appears on the said list whereupon his name shall be struck off the said list by the revising officer;

Onus of proof

5. No complaint or appeal shall be heard by a revising officer to strike names off the list of voters unless notice of same has been lodged with the deputy registrar as hereinbefore by this Act provided;

No names to be struck off unless objections lodged under section

6. All decisions of the revising officer upon matters dealt with by him under the provisions of this section shall be absolute and conclusive and subject to no appeal.

No appeal from revising officer

62. In case any matter or thing respecting the revising of the list in the manner herein provided is not specifically or sufficiently provided for in this Act the revising officer shall deal with the same on principles of equity and justice.

Revising officer to have discretion as to matters not provided for

63. The registrar shall act as clerk at the court of revision.

Clerk to court of revision

64. If an applicant or complainant dies or abandons his complaint the revising officer may if he thinks proper allow any other person who might have been appellant to intervene and prosecute such appeal or complaint upon such terms as the revising officer may think just.

Intervention of another person in place of applicant or complainant

65. Any person may obtain from the revising officer an order (form 23) requiring the attendance at the court for hearing complaints as aforesaid at the time mentioned in such order of any witness residing or served with such order in any part of Saskatchewan and requiring any such witness to bring with him and produce to the court any papers or documents mentioned in the order.

Order for attendance of witness

66. Every witness served with such order shall obey the same provided the allowance of expenses according to the scale allowed in the district courts is tendered him at the time of service.

Conduct money

67. Any person in respect of the insertion of whose name an objection or complaint is made shall upon being served

Order for attendance

of
respondent

with such order obey the same upon being tendered or paid an allowance for his expenses as hereinbefore provided.

May strike
name off
lists

68. If any person who has been served with such order and whose right to be a voter is the subject of inquiry is tendered or paid an allowance for his expenses as hereinbefore provided and does not attend the court in obedience to such order the revising officer shall unless he is satisfied by sufficient evidence that such person is entitled to be registered a voter strike the name of such person from the list.

Correction
of errors
without
previous
complaint

69. The revising officer at any court held by him for the revision and closing of lists of voters under this Act may without previous notice of complaint having been given in that behalf as hereinbefore provided correct any mistake which shall have been proved to him to have been made by the deputy registrar in the voters' list in respect of name, residence, occupation or otherwise howsoever.

Power of
amendment

70. The revising officer shall have power to amend any notice or other proceeding upon such terms and conditions as he may think proper.

Costs

71. In all proceedings before a revising officer the revising officer shall have full discretion as to costs; but in no event shall any higher costs be awarded or allowed than would be allowed for like services in a district court.

Enforcing
payment
of costs

72. The payment of costs ordered by a revising officer to be paid may be enforced by execution against goods and chattels to be issued from a district court having jurisdiction in any part of the electoral division the lists of voters for which are the subject of revision upon filing therein the order of the revising officer in the premises.

Decision to
be final

73. The decision of the revising officer under this Act in regard to the right of any person to be a voter shall be final.

Revising
officer to
have powers
of district
court judge

74. In all proceedings under this Act the revising officer shall have with reference to the matters herein contained all the powers which belong to or might be exercised by a judge of a district court in any action pending in a district court.

Custody of
books, etc.

75. The revising officer of any list of voters under the provisions of this Act shall be the proper custodian of and be responsible for the safe keeping of all books and documents used at the said revision and shall on no account and upon no pretext whatever allow the same or any of them out of his possession during the progress of the revision or at the conclusion thereof except to transmit the same to the clerk of the Executive Council as hereinafter provided.

CLOSING OF LISTS.

76. Immediately after the full and final revision of the said printed list of voters of any electoral division referred to in section 61 hereof the revising officer shall: Duties of revising officer after closing of lists

1. See that all names decided by him to be struck off such list are in fact struck off and duly initialed by him in the manner hereinbefore provided;

2. Insert in their proper places all names added by him to the list of voters accompanied by a certificate (form 24).

77. The revising officer shall forthwith thereafter transmit or deliver to the clerk of the Executive Council the completed list of voters referred to in the next preceding section together with all books, documents and papers in his hands relating to the said list of voters. Transmission of list, books, etc., to clerk of executive council

78. Every list of voters revised and closed under the provisions of this Act shall be final and conclusive and shall be subject to no appeal. Closed lists to be final

79. All lists of voters revised and closed under the provisions of this Act shall be and shall constitute the lists of voters of the electoral divisions to which they refer until other lists of voters therefor shall be similarly revised and closed. Lists to continue until next revision

DUTY OF CLERK OF EXECUTIVE COUNCIL ON RECEIPT
OF LISTS OF VOTERS.

80. It shall be the duty of the clerk of the Executive Council upon the receipt from revising officers under section 77 hereof of the lists of voters to make or cause to be made under his immediate supervision and direction correct copies of the same in every particular; he shall then certify to such fact at the foot thereof and transmit such certified copies to the government printer; the original list and all the books, papers and documents relating to the registration of voters in the respective electoral divisions shall then be properly labelled and sealed by him and filed in a safe manner in the archives of his office. Duties of clerk of executive council on receipt of lists

PRINTING LISTS.

81. The government printer shall print at least two hundred copies of each such list at least ten days before the date fixed for the holding of an election; certified copies of any such list may at any time be obtained by any person from the clerk of the Executive Council upon payment at the rate Lists to be printed if required for election

of ten cents for each polling subdivision and fifty cents for each certificate.

Copies to
be sent to
certain
persons

(2) The clerk of the Executive Council shall send at least twenty copies when printed of such list of voters relating to each electoral division to the sitting member of the Legislative Assembly and to the last unsuccessful candidate or candidates for the electoral division affected by such list and shall furnish any person applying for the same with copies of such printed list of voters for any electoral division at the rate of ten cents for each polling subdivision.

Compensa-
tion and
expenses to
be fixed by
order in
council

82. The compensation of revising officers, registrars, deputy registrars and all other officials and persons engaged in or about the preparation and revision of the lists of voters as by this Act provided and all expenses consequent thereupon shall be paid by the provincial treasurer out of the general revenue fund of the province but only such sums as shall be determined by the Lieutenant Governor in Council and no more shall be allowed or paid for such services and expenses.

Rendering
accounts

(2) All accounts for compensation for services and expenses of the kind particularised in this section shall be rendered in duplicate duly certified to and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded for payment as herein provided to the clerk of the Executive Council at the city of Regina.

FALSE REGISTRATION AND PENALTIES.

Who shall
be guilty of
person-
ation

83. Every person who applies under this Act to be registered as a voter in the name of some other person whether such name be that of a person living or dead or of a fictitious person or who having been once registered under this Act applies to be again registered in the same or another electoral division shall be guilty of an offence of personation and liable to the penalties imposed in this Act upon persons guilty of the said offence.

Registrar
not taking
oath

84. Any person appointed a registrar or deputy registrar who refuses or neglects to take and subscribe any oath required by this Act to be taken and subscribed by him shall for his neglect or refusal be liable to a penalty not exceeding one hundred dollars.

Penalty for
false state-
ment by
applicant

85. Any person making a claim to be registered as a voter at any registration sittings and answering and declaring any of the interrogatories necessary to entitle a person to be registered a voter as by this Act hereinbefore provided knowing the same to be false shall in addition to any other punishment provided by law be liable to a penalty not

exceeding \$200 and to imprisonment for a term not exceeding six months.

86. Any registrar, deputy registrar, notary public, commissioner for oaths or justice of the peace who falsely signs any statutory declaration to be used for the purpose of procuring the registration of voters under this Act certifying or declaring that such declaration was made before him or who signs it prior to the same being signed by the person purporting to declare to the same or otherwise than in the presence of the declarant shall for every such act be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

Official improperly certifying statutory declaration

87. Any registrar or deputy registrar:

- (a) Who acting under the provisions of sections 47 to 51 both inclusive hereof shall wilfully and without reasonable cause refuse or neglect to make out any list of voters or who shall wilfully and without reasonable cause refuse or neglect to insert in the list of voters compiled by him the name of any person entitled to be a voter or who shall wilfully and without reasonable cause insert in any such list the name of any person not entitled to be a voter; or
 - (b) Who acting under the provisions of sections 28 to 46 both inclusive hereof shall wilfully and without reasonable cause refuse to make out any list of voters or who shall wilfully and without reasonable cause neglect to insert in the register the application of any person who claims to be entitled to be a voter and shall have complied with all the provisions of this Act necessary to entitle the application of such person to be received and entered in the register or who shall wilfully and without reasonable cause insert in any such register the name of any person not having applied for registration or who wilfully places on the list of objections the name of any person against whom no objection shall have been filed; or
 - (c) Who shall wilfully neglect to publish any notice, post any list or decline to give a copy of the same to any person entitled thereto or who shall wilfully refuse or neglect to make the return and deliver or transmit the books and documents to the registrar, revising officer or clerk of the Executive Council as required by this Act or who is guilty of any other wilful misfeasance or malfeasance or wilful act of
- Refusing or neglecting to discharge any of the duties imposed by this Act

omission or commission in contravention of the duties of his office;

shall for every such act or omission be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

Penalty for false oath

(2) Any deputy registrar who wilfully and corruptly deposes, swears to or makes any false statement as to any fact, matter or thing referred to in the affidavit (form 20), shall in addition to any penalty provided for by law be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

Electoral divisions

88. For the purposes of the making and revising of voters' lists hereunder the electoral divisions for which lists are to be so made or revised shall be the electoral divisions set out in the schedule to the Act of the present session intituled "*An Act to amend The Legislative Assembly Act*" whether such lists are to be made or revised before or after the said Act takes effect.

PROCEEDINGS PRELIMINARY TO ELECTIONS.

Dates for Nomination and Polling.

Appointment of day for holding

89. Where an election is to be held the Lieutenant Governor in Council may appoint a day not more than twenty nor less than sixteen days from the date of the writs of election for the nomination of candidates; and the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted.

Date to be same in all electoral divisions

90. In the case of a general election the nominations shall be held on one and the same day for all electoral divisions and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Writs to bear date on same day

91. The writs for a general election shall be dated on the same day.

Form of writ of election

92. A writ of election shall be in form 25, shall state the respective days for the nomination and for the polling and shall bear date and be returnable on such day as shall have been fixed by the Lieutenant Governor in Council.

FORMS, ETC.

Papers and Forms to be sent by Clerk of the Executive Council to Returning Officer.

Notices as to secrecy

93. Before any general or other election the clerk of the Executive Council shall procure to be printed in conspicuous

characters a notice as to secrecy (form 26) and shall transmit by post to the returning officer of every electoral division such number of copies as he may deem sufficient to supply every deputy returning officer with five copies; and the deputy returning officer shall post up one copy in a conspicuous place outside the polling place, and one copy in a conspicuous place within the polling place and he shall see that they remain so posted up from the opening to the close of the poll.

to be sent
to returning
officers
before
elections

(2) The notice may be separated from or added to the directions for the guidance of voters in voting (form 40).

94. The clerk of the Executive Council shall also procure from the government printer the forms other than the proclamation of the nomination prescribed by this Act for each electoral division in sufficient number for the requirements of the election, the label mentioned in subsection (2) of section 202 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ.

Forms, etc.,
to be
supplied by
clerk of the
Executive
Council

95. Immediately after the issue of the writ the clerk of the Executive Council shall supply the returning officer with:

Clerk of the
Executive
Council to
supply poll
books and
voters' lists

1. A sufficient number of blank poll books (form 27) for the purposes of the election, having regard to the number of polling places within the electoral division, containing the following blank forms:

- (a) Commission of deputy returning officer;
- (b) Oath of deputy returning officer;
- (c) Commission of poll clerk;
- (d) Oath of poll clerk;
- (e) Oath of secrecy;
- (f) Schedule for "Notes of Objections" to ballot papers under section 171;
- (g) Statement of the poll after counting the ballot papers;
- (h) Ballot paper account;
- (i) Oath of deputy returning officer after closing the poll;
- (j) Oath of poll clerk after closing of poll;

2. A copy, certified by him, of the list of voters for each polling subdivision of the electoral division together with a copy of the notice (form 28) setting forth the limits and boundaries of each polling subdivision.

96. There shall be transmitted to the returning officer with the writ of election such number of copies of this Act

Transmis-
sion to

returning
officers of
copies of
this act

and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with one copy at least; and every copy shall contain an alphabetical index.

RETURNING OFFICERS.

Appoint-
ment of
returning
officer

97. A commission shall not be required for the appointment of a returning officer but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment.

Writs for
elections to
whom
addressed

98. Every writ of election shall be addressed to such person being a resident of the electoral division for which the election is to take place as the Lieutenant Governor in Council may appoint.

Refusal or
incapacity
to act

99. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act the Lieutenant Governor in Council may appoint some other person to be returning officer.

Where writ
directed to
person
whose ap-
pointment
is sub-
sequently
superseded

100. If a writ has been issued to a person whose appointment is afterward superseded or to a person in whose stead a returning officer has been appointed under the provisions of the next preceding section a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers if he thinks fit in place of the persons, if any, appointed to such offices by the person previously named as returning officer.

Persons
excluded
from being
returning
officers, etc.

101. None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, deputy returning officer, election clerk or poll clerk:

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada or of the Legislative Assembly;
- (c) Ministers, priests or ecclesiastics under any form of profession of religious faith or worship;
- (d) Judges of Dominion or provincial courts;
- (e) Persons who have at any time been found guilty by a competent tribunal of corrupt practices or who have been convicted by any competent tribunal of any offence or dereliction of duty in violation of this Act or of any other Act previously in force

in this province or in the North-West Territories relating to elections;

(f) Persons convicted of any indictable offence.

(2) If any such person acts as returning officer, deputy ^{Penalty} returning officer, election clerk or poll clerk he shall be guilty of a violation of this Act and shall incur a penalty of \$200.

(3) A contravention of this section shall not affect the validity of the election.

102. None of the persons hereinafter mentioned shall be ^{Exempted persons} obliged to act as returning officer, deputy returning officer, election clerk or poll clerk:

(a) Physicians and surgeons;

(b) Persons sixty years of age or upwards;

(c) Persons who have within the five years immediately preceding the date of the writ served as returning officers at any election to the Legislative Assembly of Saskatchewan.

103. Every person not disqualified by this Act who ^{Penalty for refusal to act} refuses to perform the duty of returning officer after having received the writ of election shall incur a penalty of \$200 unless having a right to claim the exemption conferred by the next preceding section he has claimed exemption by letter setting forth the grounds of such exemption forwarded to the clerk of the Executive Council within two days next after the receipt of the writ of election.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

104. The returning officer shall forthwith on receiving ^{Indorsement on writ} the writ indorse thereon the date of its receipt and take and subscribe the oath of office (form 29).

PROCLAMATION OF RETURNING OFFICER.

105. The returning officer at least eight days before the day fixed in the writ for the nomination of candidates shall ^{Proclamation by returning officer} publish by proclamation under his hand in the English language (form 30):

(a) The place and time fixed for the nomination of candidates;

(b) The day on which the poll for taking the votes of the voters is to be held in case a poll is granted;

(c) The numbers, names and fully described boundaries of the polling subdivisions of the electoral

division, the places at which the several polls shall be held and the names of the deputy returning officers appointed for the several polls;

- (d) The time when (which shall be the seventh day after the date fixed for the polling) and the place where he will add up the number of votes given to the several candidates.

(2) The proclamation shall be posted up in at least two conspicuous places in each polling subdivision in the electoral division at least eight days before the nomination day neither the last day of posting up nor the nomination day being reckoned:

Provided that in a city, town or village the proclamation shall be posted up at the city or town hall or other public place where the meetings of the municipal council are held, at every post office and in at least one other public place in each polling subdivision.

Place of
nomination

106. The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral division and the time appointed for the nomination of candidates shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose.

Unforeseen
delays pro-
vided for

107. Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or he is unable to hold the nomination on the day fixed for that purpose the returning officer may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable after allowing the required delay between the posting up of the proclamation and the nomination day.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 105.

(3) The polling day shall be the seventh day after the nomination day.

(4) The returning officer shall with his return make to the clerk of the Executive Council a report of the cause which occasioned the postponement of the election.

ELECTION CLERKS.

Returning
officer to
appoint an
election
clerk

108. The returning officer before the nomination day shall appoint by commission under his hand (form 31) an election clerk.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk

if the one so appointed dies or refuses or neglects or is unable to perform his duties.

(3) The election clerk shall assist the returning officer in the performance of his duties and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another shall act in his stead as returning officer.

109. The election clerk shall before entering upon his duties take and subscribe the oath (form 32). Oath of election clerk

110. A person appointed election clerk who refuses to accept the office or who having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of election clerk shall incur a penalty not exceeding \$40. Penalty for refusing to act

111. The appointment and oath of an election clerk shall be either indorsed on or attached to the writ. Appointment and oath to be on writ

112. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to fulfil all the obligations of that office in like manner as if he had been appointed returning officer and shall not be required to possess any other qualification or to take the oath (form 29). Duties and liabilities when acting as returning officer

BALLOT BOXES.

113. It shall be the duty of the clerk of the Executive Council to transmit to the returning officer a sufficient number of ballot boxes required for the purposes of the election.

(2) The returning officer shall two days at least before polling day deliver one of the ballot boxes to each deputy returning officer appointed for the purposes of the election. Ballot boxes to be furnished

(3) The ballot box shall be made of durable material, provided with lock and key and so constructed that the ballot paper can be deposited therein and cannot be withdrawn without unlocking the box. How made

114. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election shall be in his Majesty. Property in ballot boxes papers, etc., to be in His Majesty

115. A deputy returning officer who has not been supplied with a ballot box within the time hereinbefore prescribed shall forthwith procure one to be made. Duty of deputy returning officer as to ballot box

Return of
ballot boxes
to clerk of
the Execu-
tive Council

116. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the clerk of the Executive Council and the boxes shall be preserved by him for use at future elections.

POLLING PLACES.

Polling
places in
each polling
division

117. The returning officer on receiving the writ shall fix and provide a polling place for each polling subdivision in the most central or most convenient place for the voters:

Provided however that whenever the greater convenience of voters would be suited thereby the polling place for a polling subdivision not included within the limits of a city or town but adjacent to a city or town may instead of being fixed and provided in such polling subdivision be fixed and provided in the city or town which it so adjoins.

(2) The returning officer is hereby vested with authority to take and use as a polling place any school house the property of any school district organised by virtue of any Act if such school house is convenient for that purpose.

(3) The actual cost of each polling place not exceeding \$4 shall be paid to the returning officer by the provincial treasurer out of the general revenue fund of the province and shall be disbursed by the returning officer to the officers and persons entitled to the same and he shall account therefor and report to the clerk of the Executive Council.

Polling
place not to
be a place
where in-
toxicating
liquor is
sold

(4) The building in which the poll is held shall not be a place where intoxicating liquor is sold and there shall be free access to the poll for every voter.

Additional
polling
places
where more
than
prescribed
number of
voters

118. Where a polling subdivision has more than two hundred voters according to the list of voters the returning officer shall provide separate and additional polling places according to the total number of qualified voters in the same building or in separate buildings as near to one another as possible for the polling of the votes in such polling subdivision and so that not more than one hundred and fifty and when practicable not fewer than one hundred qualified voters' names shall be on the list for each polling place.

Separate
lists to be
prepared in
such case

119. The returning officer in such cases shall prepare or cause to be prepared from the list of voters for the polling subdivision a separate list for each polling place arranged in alphabetical order according to the initial letter of the surname of each voter.

Polling
stations
to be
designated
by initial
letters

(2) Each separate polling place shall be designated by the initial letters of the surnames of the voters on the list who are to vote in such polling place in the following manner that

is to say: from A to K and from L to R and from S to Z or as the case may be. -

(3) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place and contained in such list shall vote in the polling place so designated.

(4) The returning officer shall appoint a deputy returning officer for each polling place and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the list of voters whose surnames commence with the letters of the alphabet by which such polling place is designated.

Deputy
returning
officer
for each
station

120. Every polling place shall be furnished with compartments in which the voters may mark their ballot papers screened from observation; and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments is provided at each polling place.

Compartment
for
voters to
mark ballots

NOMINATION.

Procedure by Returning Officer.

121. At any time after the date of the writ of election and before two o'clock in the afternoon of the day fixed for the nomination any four or more voters may nominate a candidate by signing before any person authorised to administer oaths within the province or before the returning officer and causing to be filed with the returning officer a nomination paper (form 33); and any vote given at the election for any person other than a candidate so nominated shall be null and void.

Time and
manner of
nomination

Voting for
person not
nominated

(2) The nomination paper shall state an address within Saskatchewan at which legal process and notices or other documents issued or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate; and leaving a copy of such process, notice or other document at such address shall be deemed equivalent for all purposes to personal service upon him of such process, notice or other document.

Address for
service

122. A nomination paper shall not be valid or be acted upon by the returning officer unless:

Nomina-
tion papers

(a) It is accompanied by the consent in writing of the person therein nominated (except when such person is absent from the electoral division when such absence shall be stated in the nomination paper); and

Consent of
candidate

Deposit
of \$100

(b) A sum of \$100 is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

Receipt for
nomination
paper

(2) The returning officer shall (the foregoing requirements of this section being complied with) give his receipt for the nomination paper; and the said receipt of the returning officer shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned.

How deposit
may be
made

(3) The returning officer shall accept the sum of money hereinbefore mentioned if it is tendered:

- (a) In gold coin;
- (b) In Dominion of Canada notes;
- (c) In the bills of any chartered bank doing business in Canada or a cheque for such amount drawn upon and accepted by such bank;
- (d) Partly in one and partly in another or others of the descriptions of moneys herein mentioned;

but he will not be obliged to accept such tender if any part of it consists of descriptions of money other than those herein specified.

Condition
upon which
deposit may
be returned

(4) The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected as decided in the final count.

In case of
death of
candidate
returned

(5) The sum so deposited shall in the case of death of any candidate after being nominated and before the closing of the poll be returned to the personal representatives of such candidate.

(6) If such candidate has not obtained the number of votes in subsection (4) hereof mentioned the said deposit shall be transmitted by the returning officer to the clerk of the Executive Council and by him deposited to the credit of the general revenue fund of the province.

NOMINATION PROCEEDINGS.

Procedure of
hustings

123. Every returning officer shall on the date of nomination and at the place fixed as aforesaid proceed to the hustings (which shall be at such place that all the voters may have free access thereto) and at the hour of twelve of the clock noon shall read or cause to be read publicly the writ of election and shall forthwith read in an audible voice the nominations which he has received and from time to time until two o'clock of the day shall so read further nominations as he receives them.

124. At the hour of two o'clock in the afternoon the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates.

Closing
nominations

125. If at the close of the hour for receiving nominations only one candidate for the vacancy to be filled remains in nomination the returning officer shall then and there:

Procedure
when only
one
candidate
nominated

1. Declare the said candidate duly elected;
2. Give such candidate or any agent of such candidate if the candidate is not present a certificate that such candidate has been duly elected;
3. Forward to the clerk of the Executive Council the writ of election together with a certificate in writing declaring such candidate duly elected and all ballot boxes, poll books and other books, forms, seals, materials and things which have been sent to him to be used in the election and which have not been used.

126. If at the close of the hour for receiving nominations more than one candidate for the vacancy to be filled remains in nomination the returning officer shall announce the day upon which a poll will be held and the day, hour and place at which the ballots will be counted which shall be the seventh day after the day fixed for the polling; and shall deliver to every candidate or to any person authorised in writing by the candidate or any of his nominators to act in his behalf a list of the candidates nominated.

Procedure
when more
than one
candidate
nominated

(2) The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination shall publish the names and addresses of their official agents. The publication shall be in a newspaper published within the electoral division or in case no newspaper is published within the division then in the newspaper published nearest thereto.

Returning
officer to
publish
names and
addresses of
agents

127. Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll by filing with the returning officer a declaration in writing (form 34) to that effect signed by himself; and any votes cast for a candidate who shall have so withdrawn shall be null and void; and in case after such withdrawal there should remain only one candidate for the vacancy to be filled then it shall be the duty of the returning officer forthwith to return as duly elected the candidate so remaining and to proceed as directed in section 125 of this Act:

Candidate
may with-
draw his
nomination

Provided always that if a candidate withdraw at any time after his nomination he shall forfeit the money deposited by

But will
forfeit his
deposit

him and the returning officer shall transmit the same to the clerk of the Executive Council as provided in section 122 hereof.

DEATH OF A CANDIDATE.

Death of
candidate

128. If a candidate dies after being nominated and before the close of the poll the returning officer shall fix new days for the nomination of candidates and for polling; and the nomination day shall be the nearest day practicable after allowing the required delay between the posting up of the proclamation and the nomination day; and with his return he shall make to the clerk of the Executive Council a report of the cause which occasioned the postponement of the election.

ELECTION NOTICE.

Election
notice

129. In case a poll is required the returning officer shall with the least possible delay after the close of the nomination cause to be posted up at all the places where the proclamation in form 30 was posted up a notice (form 35) of the holding of such poll indicating the names, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers.

POLLING.

Proceedings Preliminary to the Poll.

Deputy Returning Officer.

Appoint-
ment of
deputy
returning
officers

130. The returning officer by a commission under his hand (form 36) shall appoint a deputy returning officer for every polling place.

Deputy
returning
officer to be
a voter in
electoral
division

(2) No person shall be so appointed who is not a voter in the electoral division wherein the polling place for which he is appointed is situated.

Oath of
office, etc.

131. Every deputy returning officer before acting shall take and subscribe the oath (form 37).

Penalty for
refusing to
perform
duties of
office

132. A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty not exceeding \$100.

Death or
absence of
deputy
returning
officer

133. In case of the death, illness or absence of a deputy returning officer or of his refusal or neglect to act the returning officer may in the manner hereinbefore provided appoint another deputy returning officer to act in his stead;

and the appointment and oath of the person so appointed shall be indorsed upon or attached to the poll book.

Materials to be furnished to Deputy Returning Officer.

134. The returning officer shall deliver to each deputy returning officer two days at least before the polling day a blank poll book, forms of oaths to be administered to voters, envelopes and sealing wax and a screen if one is required.

Supplies to be furnished to deputy returning officer

Ballot Papers.

135. The returning officer shall procure to be printed on the paper furnished to him as hereinafter provided a sufficient number of ballot papers not being less than the total number of voters in the electoral division.

Returning officer to see to printing of ballots

(2) The names of the candidates alphabetically arranged in the order of their surnames shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub the whole as in form 39.

Form of ballots

(3) The ballot shall be printed upon thick writing paper of the following weight: if foolscap paper is used it shall be of a weight not less than sixteen pounds to the ream; if large post paper is used it shall be of a weight of not less than twenty-four pounds to the ream.

Weight of paper

(4) The paper required for the printing of the ballot papers shall be furnished to the returning officer by the clerk of the Executive Council when the writ for the election is transmitted to him or as soon thereafter as possible.

Paper furnished to printer

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Numbering of ballot papers

(6) All ballot papers shall be of the same description and as nearly alike as possible.

(7) The ballot papers shall bear the name of the printer who prints them.

Printer's name

(8) The printer shall with the ballot papers deliver to the returning officer an affidavit (form 38).

Affidavit of printer

136. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to be

Ballot papers, etc., to be

furnished
by returning
officer

supply the voters on the polling list of his polling place or polling subdivision and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers.

Ballots to
be stamped

(2) Every ballot paper shall be stamped by the returning officer with a stamp furnished him for that purpose by the clerk of the Executive Council, the impression of the stamp being so placed on the ballot paper that when the latter is folded by a voter the impression can be seen without the ballot paper being opened.

Design of
stamp

(3) The stamp shall be specially designed and made for the purposes of each election and shall be forwarded by the clerk of the Executive Council to the returning officer so as to reach him on or about the nomination day.

Stamp to
show name
of electoral
division, etc.

(4) The stamp shall show the name of the electoral division and the year of the election and shall be of such design that an impression made from it shall be readily recognisable.

Copies of
directions to
voters to be
furnished to
deputy
returning
officers

137. The returning officer shall furnish each deputy returning officer with at least five copies of the printed directions (form 40) for the guidance of voters in voting and the deputy returning officer shall before or at the opening of the poll on the day of polling cause such printed directions to be posted up in conspicuous places outside of the polling place and also in each compartment of the polling place.

Poll Clerks.

Appoint-
ment of poll
clerks

138. The deputy returning officer shall by a commission under his hand (form 41) appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting shall take and subscribe the oath (form 42).

Penalty

(2) Every person appointed poll clerk who refuses to accept the office or who after accepting it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk shall incur a penalty not exceeding \$40.

Poll clerk to
aid deputy
returning
officer

139. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

To act as
deputy
returning
officer in
certain
cases

140. If the deputy returning officer refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them and if no other deputy returning officer appointed by the returning officer appears at the polling place the poll clerk under the same penalties as are hereinbefore imposed in like cases on a deputy returning

officer shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office without taking the oath of a deputy returning officer.

141. Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand (form 41) another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath and such commission and oath shall be indorsed on or attached to the poll book.

In which case he may appoint another poll clerk

142. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them the deputy returning officer may appoint another person as poll clerk and the commission and the oath shall be indorsed on or attached to the poll book.

Deputy returning officer may appoint another poll clerk in certain cases

Constables.

143. The deputy returning officer may appoint a constable to preserve order at the polling place.

Constable at polling place

Where Voters to Vote.

144. Each voter shall subject to the provisions of the next following section be entitled to vote only at the polling place of the polling subdivision upon the list of voters for which his name is entered as such voter and no other.

Where voters shall vote

(2) A person who votes in contravention of this section shall incur a penalty not exceeding \$200.

Penalty

145. The returning officer or election clerk on the request of any person entitled to vote who has been appointed deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one where he is entitled to vote shall give to such person a certificate that he is entitled to vote at the polling place where he is stationed during the polling day and the certificate shall bear the date upon which it is signed.

Deputy returning officers and agents may vote at polling places where they are employed

(2) The returning officer or election clerk shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Officers and agents voting where stationed

(3) The returning officer or election clerk shall not be required to give a certificate under this section unless

Certificate to agent, etc., to vote

where
stationed

requested to do so at least twenty-four hours before the opening of the poll.

(4) The certificate shall name the polling place at which the agent is to be permitted to vote and shall be signed by the returning officer or election clerk.

Returning
officer to
keep a list
of persons
obtaining
certificates

(5) The returning officer or election clerk shall before delivering the certificate enter in a list the name, residence and occupation of every person to whom he has given a certificate under this section, the polling place at which such person is under the certificate authorised to vote and the polling subdivision or polling place in or at which such person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent and if as agent the name of the candidate for whom he is agent. The returning officer or election clerk shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal and if the last mentioned person claimed to be the agent of a candidate the name of the candidate and the list shall be open to inspection by a candidate or by his agent or by a voter.

Limitation
of number
of
certificates
to agents of
candidates

(6) A returning officer or election clerk shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant; a returning officer or election clerk who gives a certificate in contravention of this subsection shall incur a penalty not exceeding \$400.

On
production
of
certificate
of
returning
officer

146. On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter to vote there unless he has been actually engaged there as deputy returning officer, poll clerk or agent during polling day.

Person
receiving
certificate
to take oath
of
qualification
before
voting
Before
whom oath
to be
taken
Entry on
list of
persons
voting
under
authority
of a
certificate

(2) A person who receives a certificate whether as deputy returning officer, poll clerk or agent shall if required by a candidate or his agent before voting take the oath in form 43.

(3) The oath shall be administered to a deputy returning officer by the poll clerk and to a poll clerk or agent by the deputy returning officer.

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book (form 27) opposite the name, residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate, the words "voted under certificate."

Certificate
to be
delivered to
deputy

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

(6) The deputy returning officer shall enclose all certificates in an envelope.

returning
officer by
person
voting

THE POLL.

147. The poll shall be opened at every polling place at nine o'clock in the forenoon and shall be kept open until five in the afternoon of the same day and the votes shall be given by ballot.

Hours of
voting

148. The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During such fifteen minutes agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll and to inspect such ballot papers and all other papers, forms and documents relating to the poll.

Counting
ballots
before
opening of
poll

149. The deputy returning officer shall immediately before opening the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed.

Deputy to
show box
empty and
lock and
seal it

150. Not more than one voter for each compartment shall at any one time enter the room where the poll is held and each voter upon so entering shall declare his name, place of residence and occupation which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name.

One voter
only for
each
compartment

151. Subject to the provisions of section 146 the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list but shall receive the vote of every person whose name is entered thereon provided that such person if required by a candidate or his agent or by the deputy returning officer takes the oath (form 44).

Persons on
voters' list
to be
allowed to
vote on
taking oath
if required

152. If a deputy returning officer votes at the polling place at which he has been appointed to act the poll clerk or in his absence the agent of a candidate authorised to be present may administer to him the oath to be taken by a voter.

Administra-
tion of
oath to
deputy
returning
officer
at his
polling
place

Deputy
returning
officer must
swear
voters in
certain
cases

153. Where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted or tenders his vote under a false name or designation or personates or represents himself falsely as being on the list the deputy returning officer shall administer the prescribed oath to the voter whether he has been required to do so or not.

Penalty

(2) A deputy returning officer who acts in contravention of this section shall incur a penalty not exceeding \$200.

Entries to
be made in
poll book
as to
voters

154. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "voted" as soon as the ballot paper has been deposited in the ballot box and shall enter in the same book the word "sworn" or "affirmed" opposite the name of each voter to whom the oath has been administered and the words "refused to be sworn" or "refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do.

Voters
refusing to
be sworn

155. A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote.

(2) A deputy returning officer who receives such vote or causes the same to be received shall incur a penalty not exceeding \$200 and shall be liable to imprisonment for a term not exceeding six months.

Deputy to
put initials
on back of
ballot paper
and number
on
counterfoil

156. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in form 39 that when the ballot is folded they can be seen without opening it and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book.

(2) The deputy returning officer shall also give the voter a black lead pencil for the purpose of marking his ballot which pencil shall be returned after using by the voter to the deputy returning officer.

Instructions
to voter

157. The deputy returning officer shall upon request of the voter instruct him how to mark and fold his ballot paper but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 158.

Voter
incapaci-
tated by
blindness,
etc.

158. The deputy returning officer on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act shall assist such voter by marking his ballot paper in the manner directed for by such voter in the

presence of the poll clerk and of the agents of the candidates or of the voters representing the candidates in the polling place and of no other person.

(2) The deputy returning officer shall require the voter making such application before voting to take before him the oath (form 45).

(3) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him.

159. Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful question necessarily put to the voter and his answers; and the interpreter shall take the oath following:

Voters who cannot speak English

I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God.

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote.

160. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper making a cross with a black lead pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it and hand it to the deputy returning officer who shall without unfolding it ascertain by examining his initials and the stamp and the number on the counterfoil that it is the same ballot paper that he furnished to the voter and shall then in full view of all present including the voter remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

Mode of marking, folding and depositing ballot paper

161. The voter shall vote without undue delay and shall leave the polling place so soon as his ballot paper has been placed in the ballot box.

Voter to leave as soon as possible

162. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper.

Exclusion from balloting compartment

163. A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns his ballot paper

Voter not to take his paper from polling place, etc.

declining to vote shall forfeit his right to vote and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote, as the case may be; and in the latter case the deputy returning officer shall immediately write the word "declined" upon the ballot paper and shall preserve it to be returned to the returning officer.

Voter who alleges he has been personated

164. If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Name of voter, etc., to be entered in poll book

(2) The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates.

Ballot paper accidentally spoilt

165. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used shall upon returning it to the deputy returning officer be entitled to obtain another ballot paper and the deputy returning officer shall immediately write the word "cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

What shall be deemed a tender of a vote and a voting

166. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted.

Who may be in polling place, etc

167. In addition to the deputy returning officer the poll clerk, the constable or constables, the interpreter or interpreters, if any, the candidates and their agents not exceeding two in number for each candidate and in the absence of agents two voters to represent each candidate on the request of such voters and no other shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

(2) An agent bearing a written authorisation from the candidate shall always be entitled to represent him in preference to and to the exclusion of any two voters who might otherwise claim the right of representing such candidate.

168. Every voter shall on the day of polling for the purpose of voting be entitled to absent himself from any service or employment in which he is then engaged or employed from the hour of noon until the hour of three of the clock next thereafter and a voter shall not because of his so absenting himself be liable to any penalty or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled:

Right of
employee to
time for
voting

Provided that this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling reasonable and sufficient time and opportunity to vote.

Proviso

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

169. Immediately after the close of the poll the deputy returning officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling place is (*stating the number*)," and he shall sign his name thereto; then in the presence and in full view of the persons entitled to be present he shall open the ballot box and proceed to count the number of votes for each candidate giving full opportunity to those present to examine each ballot.

Duties of
deputy
returning
officer after
close of poll

170. In counting the votes the deputy returning officer shall reject all ballot papers (herein called "rejected ballot papers"):

What votes
to be
rejected

- (a) Which have not been supplied by him; or
- (b) By which votes have been given for more candidates than are to be elected; or
- (c) Upon which there is any writing or mark by which the voter can be identified; but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid the same or warrant its rejection.

171. The deputy returning officer shall make a note in the poll book of every objection taken to a ballot paper by a candidate or his agent or a voter present and shall decide the objection subject to review on recount.

Objections
to be noted

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer.

How ballots
to be
counted

172. All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate and of the number of rejected ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels.

Ballot
papers to be
put into
parcels
under
seal

(2) All rejected and unused ballot papers shall be put into separate envelopes which shall be indorsed so as to indicate their contents and shall be sealed by the deputy returning officer and any agent present may write his signature across the flap of the envelope or parcel and may also affix his seal.

Statement
of result
to be made
by deputy
returning
officer

173. The deputy returning officer shall make out a statement in triplicate (form 46), one part to remain attached to the poll book, another to be retained by him and the third to be enclosed by him in a special envelope supplied for the purpose which he shall seal and deposit in the ballot box.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present and may desire to sign it.

Certificate
of result
of poll

(3) The deputy returning officer shall then deliver to each of the candidates or to their agents or in the absence of the candidate and agents to the voters present representing the candidate a certificate (form 47) of the number of ballots cast for each candidate and of the number of rejected ballot papers; and he shall also forthwith after the close of the poll mail to each candidate by registered post to his address stated in the ballot paper a like certificate.

Poll book,
envelope,
etc., to be
placed in
large
envelope in
ballot box

174. The poll book, the polling list, the envelopes containing the ballot papers and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose which shall then be sealed with the seal of the deputy returning officer and the seals of such candidates or agents of candidates as desire to affix their seals and placed in the ballot box.

The oath of
poll clerk

175. The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (form 49).

Ballot box
and key
to be
delivered to
returning
officer

176. The deputy returning officer shall then immediately lock and seal the box and shall enclose the key in an envelope to be supplied for the purpose and forthwith personally deliver them to the returning officer and if he is unable to do so owing to illness or other imperative cause he shall deliver them to the poll clerk or where the poll clerk is unable to act to some person chosen by the deputy returning officer for the purpose of delivering them to the returning officer and shall thereon or on a ticket attached thereto write the name of the

person to whom the box and key have been delivered and shall take a receipt therefor and the poll clerk or person so chosen shall forthwith personally deliver the ballot box and key to the returning officer and shall take before him the oath (form 50).

(2) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (form 48) and shall personally deliver or transmit it by registered post to the returning officer.

Oath of deputy returning officer

177. The returning officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it and shall immediately on the receipt of each box seal it with his own seal in such a way that it cannot be opened without his seal being broken and without effacing or covering the seals affixed thereto.

Duty of returning officer on receipt of boxes

178. The returning officer at the place, day and hour appointed by his proclamation and after having received all the ballot boxes shall open them and the large envelope containing the poll books but not any of the other sealed envelopes except the envelope containing the statement of the poll and shall in the presence of the election clerk and of the candidates or their representatives if present add up the votes given for each candidate from the statements of the poll contained in the ballot boxes and shall forthwith declare to be elected the candidate having the largest number of votes.

Count by returning officer and declaration of result

179. Where on the addition of votes by the returning officer an equality of votes is found to exist between any two or more candidates and an additional vote would entitle any of them to be declared elected the returning officer shall give the additional or casting vote; but except as provided in this section and in subsection (3) of section 197 of this Act the returning officer shall not vote at the election.

Casting vote

PROCEEDINGS IN CASE OF LOSS OR INJURY OF POLLING LIST OR OTHER DOCUMENTS.

180. If the ballot boxes are not all returned on the day fixed for adding up the votes the returning officer shall adjourn the proceedings to a subsequent day which shall be not more than a week later than the day originally fixed.

Adjournment of proceedings where ballot box not duly delivered

181. In case any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act or if for any other cause the returning officer cannot at the day and hour appointed by

Where default made by deputy returning officer in returning documents

him for adding up the votes ascertain the number of votes given for each candidate he may adjourn to a future day and hour the adding up of the votes and so from time to time; such adjournment or adjournments not in the aggregate to exceed two weeks.

Disappearance of ballot boxes, duty of returning officer

182. If the ballot boxes or any of them have been destroyed or lost or for any other reason are not forthcoming by the time fixed for adding up the votes the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing or from any other person having them the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath.

Procedure returning officer where lists, statements, etc., cannot be found

183. If the statements and certificates or any of them or copies of them cannot be procured the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes given for each candidate at the several polling places and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him with all necessary papers and documents of which time and place and of the intended proceedings the candidates shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question.

When deputy returning officer has neglected to deliver statement of result

184. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him the returning officer shall in the meantime use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer and shall have the powers conferred by the next preceding section.

Special report by returning officer

185. The returning officer shall return the candidate having the largest number of votes and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes or the want of any statement as aforesaid and the mode by which he ascertained the number of votes given for each candidate.

RECOUNT OR FINAL ADDITION BY JUDGE.

Where recount may be had

186. If within eight days after that on which the returning officer has made addition of the votes for the purpose of declaring any candidate elected upon the application of a candidate or a voter it is made to appear by affidavit to the judge that a deputy returning officer has in counting the votes:

- (a) Improperly counted any ballot paper; or
- (b) Improperly rejected any ballot paper; or
- (c) Made an incorrect statement of the number of ballots cast for any candidate; or
- (d) That the returning officer has improperly added up the votes;

and if the applicant deposits within the said time with the clerk of the court the sum of \$100 in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected the judge may appoint a time and place to recount or finally add up the votes cast at the election.

Deposit of applicant

187. At least four days' notice in writing of the time and place appointed shall be given to the candidates and to the returning officer and the election clerk and the judge may at the time of the application or afterwards direct that service of the notice upon the returning officer and election clerk may be substitutional or may be made by mail or in such other manner as he thinks fit.

Notice of time and place of recount

188. The returning officer after the receipt of the notice shall delay making his return to the clerk of the Executive Council until he receives a certificate from the judge of the result of the recount or final addition and upon receipt of the certificate shall proceed to make his return.

Returning officer not to make return till receipt of certificate from judge

189. The judge may require the clerk of the court to be present at the time and place appointed.

Presence of clerk of court

190. The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers or the original statements of the poll, as the case may be.

Summoning officers to be present with documents

(2) The ballot papers and original statements shall continue in the custody of the returning officer and he shall be responsible for them subject to any directions which the judge may give in respect thereto.

Production and custody of ballot papers on a recount

191. The returning officer and the election clerk shall be present at the recount or final addition and each candidate shall be entitled to be represented by not more than three agents and may himself be present.

Who to be present at recount

(2) Where a candidate is not represented any three voters who declare their desire to attend on his behalf shall be entitled to attend.

(3) Except with the sanction of the judge no other person shall be present.

Procedure
by judge

192. At the time and place appointed and in the presence of the said persons the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers or recount all the votes or ballot papers returned by the several deputy returning officers as the case may be, and shall in the case of a recount open all the sealed envelopes containing:

- (a) The used ballot papers which have been counted;
- (b) The rejected ballot papers;
- (c) The cancelled ballot papers;
- (d) The declined ballot papers;
- (e) The unused ballot papers.

Recount to
be
proceeded
with
continu-
ously

193. The judge shall as far as practicable proceed continuously allowing only time for refreshment and excluding except so far as he and the persons present agree the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Care of
documents
during
proceedings

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals and shall otherwise take all necessary precautions for the security of such papers and documents.

Rules to
govern
judge in
proceedings

194. The judge shall in the case of a recount proceed according to the rules for the counting of the ballot papers at the close of the poll by a deputy returning officer and shall verify and correct the statement of the poll (form 43).

Sealing up
ballots at
close of
recount

195. Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

(2) Where either party requests him to do so the judge shall number on the back the disputed ballots and enclose them in a separate envelope.

Reviewing
decision of
returning
officer when
ballot box
or
documents
missing

196. The judge shall if necessary or required review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision or when the proper statements or papers were not found therein.

(2) For the purpose of arriving at the facts the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer.

197. The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided. When judge to send in certificate

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition the judge shall certify the result to the returning officer forthwith who shall then forthwith declare to be elected the candidate having the largest number of votes.

(3) In case of an equality of votes the returning officer shall give the casting vote. Casting vote if judge certifies equality of votes

198. The costs of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom and in what manner the same shall be paid. Costs

(2) The judge shall tax the costs and shall as nearly as may be follow the tariff of costs with respect to proceedings in the district court. Taxing and allowing costs

199. Where costs are directed to be paid by the applicant the moneys deposited as security for costs shall be paid out to the party entitled thereto so far as necessary. If the deposit is insufficient execution may issue out of the district court upon the judge's order for the balance. Deposit, disposal of Recovery of costs if deposit not sufficient

Appeal from Decision on Recount or Final Addition.

200. If a party desires to appeal from the decision of the judge he may do so on giving within two days after the completion of the recount or final addition notice in writing to the opposite party and to the judge of his intention to appeal and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge on recount

(2) Where the appeal is limited the judge shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the registrar of the supreme court but if the appeal is not limited the judge shall forward all the ballot papers and other papers to the said registrar and in either case he shall await the result of the appeal before sending his certificate to the returning officer. The judge shall upon Ballots, etc., to be forwarded to registrar of court of appeal

request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar.

Appoint-
ment for
hearing of
appeal

(3) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from one of the judges of the supreme court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When
appeal may
be heard

(4) The time appointed for hearing the appeal shall not be more than ten days from the date of the appointment.

Procedure
on hearing
of appeal;
certificate of
result

(5) At the time appointed the judge of the supreme court shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge of the district court whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.

Costs of
appeal

(6) The judge of the supreme court may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1897, c. 9, s. 129.

ELECTION RETURN.

When
return to be
made

201. The returning officer shall immediately after the tenth day after the final addition by him of the number of votes given for each candidate unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election and where there has been a recount or final addition immediately after the receipt of the certificate of the result transmit his return to the clerk of the Executive Council that the candidate having the largest number of votes has been duly elected and shall forward to each of the candidates a duplicate or copy thereof; and such return shall be in form 51.

(2) The returning officer shall accompany his return to the clerk of the Executive Council with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him.

Returning
officer to
transmit to
clerk of the
Executive
Council the
ballot
papers, etc.

202. The returning officer shall at the same time transmit to the clerk of the Executive Council enclosed in a box or other covering, sealed with the seal of the returning officer the writ, the stamp furnished him for stamping the ballot papers, the list mentioned in subsection (5) of section 145, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.

(2) The returning officer shall indorse on the package a description of its contents and the date of the election to which they relate and also the name of the electoral division

for which the election was held and shall affix to the outside of the package a label showing distinctly the electoral division to which the contents relate and the date of the election.

(3) The package shall be sent by express or by registered post.

(4) An affidavit (form 52) shall be made by the returning officer forthwith after transmitting his return and shall be forthwith transmitted by him to the clerk of the Executive Council by registered post.

Oath of
returning
officer
transmitting
return

FAILURE TO MAKE RETURN.

203. If a returning officer wilfully delays, neglects or refuses:

Application
to compel
returning
officer to
add up
votes, make
return, etc.

- (a) To add up the votes; or
- (b) To declare to be elected the candidate having the largest number of votes; or
- (c) To give his casting vote where he is by law required to do so; or
- (d) To make the return as required by this Act of the candidate having the largest number of votes;

the person aggrieved or any voter who voted at the election may apply to a judge of the supreme court for a mandamus commanding the returning officer to perform the duty which he is shewn to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

(3) In other respects the provisions of *The Judicature Act* and the rules made thereunder shall apply to such application.

(4) Nothing in this section contained shall affect or impair any other right or remedy of the person aggrieved.

PUBLICATION OF RETURN.

204. The clerk of the Executive Council shall on receiving the return of a member elected to the Assembly give in the next ordinary issue of *The Saskatchewan Gazette* notice of the receipt of the return, the date of such receipt and the name of the candidate elected.

Notice of
return in
Gazette

CUSTODY OF ELECTION PAPERS.

205. The clerk of the Executive Council shall subject to the provisions of this Act retain in his possession the documents transmitted to him by a returning officer under section 202 for at least one year and if the election is contested then

How long
to be
retained
and when
to be
destroyed

for one year after the termination of the contestation and shall then destroy them by fire.

How to be kept by clerk of the Executive Council

(2) The clerk of the Executive Council shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to the bye elections are kept.

Marking boxes, when not to be destroyed

(3) If notice of the presentation of a petition is received by the clerk of the Executive Council or if an order is made directing that documents relating to an election are not to be destroyed he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "Not to be destroyed."

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of other documents

206. All documents forwarded by a returning officer in pursuance of this Act to the clerk of the Executive Council other than ballot papers shall be open to public inspection at such time and under such regulations as may be prescribed by the clerk of the Executive Council with the approval of the speaker of the Assembly; and the clerk of the Executive Council shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of ten cents for each one hundred words and in computing the number of words a figure shall be counted as a word.

Inspection to be under order of judge

207. No person shall be allowed to inspect any ballot paper in the custody of the clerk of the Executive Council except under an order of a judge of the supreme court.

When order to be granted

(2) The order may be made on the judge being satisfied by an affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

Conditions of order

(3) The order may be made subject to such conditions as the judge may think proper.

When inspection to take place

(4) Subject to the provisions of the order the inspection shall take place under the immediate supervision of the registrar of the supreme court at his office in the court house at Regina and he shall be present during the inspection. So long as the ballot papers are in the custody of the registrar and not under inspection they shall be kept in a secure place under lock and key.

Evidence as to documents, ballot

208. Where an order is made by a judge of the supreme court for the production by the clerk of the Executive Council of any document in his possession relating to an election the

production of it by the clerk or his agent in such manner as papers etc., in certain cases may be directed by the order shall be evidence that the document relates to the election; and any indorsement appearing on any envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement.

PRESERVATION OF THE PEACE.

209. Returning officers and deputy returning officers from the time they take the oath of office until the day after the closing of the election shall be conservators of the peace and shall be invested with all the powers appertaining to justices of the peace. Returning officers and deputy returning officers to be conservators of the peace

210. A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and good order at the election and may also swear in so many special constables as he may deem necessary. Constables and justices of the peace

211. On a requisition in writing made by a candidate or by his agent or by two or more voters a returning officer or deputy returning officer shall swear in so many special constables as may be necessary. Special constables to be sworn in in certain cases

212. A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested and placed in the custody of any constable or other person any person disturbing the peace and good order at the election and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be. Arrest and imprisonment on verbal order

213. A returning officer or deputy returning officer may during the nomination day and polling day require any person within half a mile of a place of nomination or of a polling place to deliver to him any firearm, sword or offensive weapon in the hands or personal possession of such person. Requiring delivery up of weapons on nomination and polling days

214. Except the returning officer, the election clerk, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll and the preservation of the public peace thereat no person shall approach within the distance of one mile of a place of nomination or of a polling place armed with any firearm, sword or offensive weapon unless called upon so to do by lawful authority. Armed persons not to come within one mile of nomination or polling place

SECRECY OF PROCEEDINGS.

Maintaining
secrecy of
proceedings

215. Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with voters

216. No person shall interfere or attempt to interfere with a voter when marking his ballot paper or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

Communi-
cating infor-
mation as
to how
voter is
voting

(2) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted.

Inducing
voter to
display
ballot after
marking

217. No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted.

Voter not
to display
marked
ballot

218. Subject to the provisions of section 158 a voter shall not show his ballot paper when marked to any person so as to allow the name of the candidate for whom he voted to be known.

Oath of
secrecy

219. Every returning officer and every officer, clerk, constable, agent and other person authorised to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy (form 53).

Proceedings
where
officers
aware of
violation
of secrecy

220. If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been violated he shall communicate the particulars with all convenient speed to the attorney general.

(2) The attorney general shall on receiving such information from such officer or from any other person forthwith inquire into the case and if proper prosecute the offender.

No one
compellable
to disclose
his vote

221. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

Bribery.
who guilty
of

222. Every person who:

Bribing
voter or
procuring
bribery by
money

(a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers or promises any money or valuable consideration or promises to procure or to endeavour

to procure any money or valuable consideration to or for any voter or to or for any person on behalf of any voter or to or for any person in order to induce any voter to vote or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

- (b) Directly or indirectly, himself or by any other person on his behalf gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavour to procure any office, place or employment to or for any voter or to or for any other person in order to induce any voter to vote or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or By gift or offer or promise of employment
- (c) Directly or indirectly, himself or by any other person on his behalf makes any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly or the vote of any voter at an election; or To induce anyone to procure return of candidate
- (d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure the return of any person to serve in the Assembly or the vote of any voter at an election; or Receiving bribe to procure return of candidate
- (e) Advances or pays or causes to be paid money to or for the use of any other person with the intent that such money or any part thereof shall be expended in corrupt practices at an election or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or Advancing money to be spent in corrupt practices
- (f) Directly or indirectly, himself or by any other person on his behalf on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for any candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election applies to such candidate or to his agent for the gift or loan of any money or valuable consideration or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or the promise of any office, place or employment; or Applying for money or employment in consideration of voting

Receiving
money,
office, etc.,
for having
voted

(g) Before or during an election directly or indirectly, himself or by any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to refrain from voting at an election; or

Receiving
money
corruptly
after
election

(h) After an election directly or indirectly, himself or by any other person on his behalf receives any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at an election; or

Giving or
promising
office to
induce
candidate
to stand or
withdraw

(i) In order to induce a person to allow himself to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or endeavours to procure any office, place or employment for such person or for any other person;

Penalty

shall be guilty of bribery and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of not less than one month and not more than six months with or without hard labour.

Personal
expenses of
candidates

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election incurred by the candidate or any agent in good faith and without any corrupt intent shall be deemed to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act.

Distribution
of political
literature

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest shall not be deemed corrupt or illegal acts or a contravention of this Act.

Furnishing
entertain-
ment
forbidden
except at
residence of
the person
furnishing

223. A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at

his usual place of residence where such residence is a private house.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty not exceeding \$100. Penalty

224. Every candidate who corruptly, himself or by or with any person or by any other way or means on his behalf at any time either before or during an election directly or indirectly gives or provides or causes to be given or provided or is accessory to the giving or providing or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person in order to be elected or for being elected or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election shall be guilty of a corrupt practice and shall incur a penalty not exceeding \$200 in addition to any other penalty to which he may be liable therefor. Treating

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent or the taking part therein by either of them or giving the same wholly or partly at the expense of a candidate or his agent shall *prima facie* be a corrupt practice within the meaning of this section. Giving refreshments
prima facie evidence of a corrupt practice

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. Habit of treating not sufficient answer

225. A candidate who before or during the election makes a bet or wager or takes a share or interest in or in any manner becomes a party to a bet or wager upon the result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice. Wagering or betting

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral division or any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral division or in any part thereof or on any event or contingency relating thereto shall be guilty of a corrupt practice.

226. A candidate who himself or by any other person on his behalf and every other person who: Conveying voters to poll

(a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100 and if a voter shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection (2) of section 261.

Furnishing
transporta-
tion to
voters

(2) Every person who provides or furnishes transportation on any railway free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place and whether passes or tickets or the like are or are not supplied shall be guilty of a corrupt practice and shall incur a penalty of \$100 and if a voter shall be disqualified from voting at the election.

Conveyances

(3) "Conveyance" for the purposes of this section shall include a horse, team, carriage, cab, vehicle, boat or vessel.

Providing
refresh-
ments on
nomination
day or
polling
day

227. The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same shall be a corrupt practice and the person so offending shall incur a penalty of \$10.

Undue
influence

228. Every person who directly or indirectly, himself or by any other person on his behalf uses or threatens to use force, violence or restraint or inflicts or threatens to inflict injury, damage, harm or loss or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting or on account of his having voted or refrained from voting or who by abduction, duress or false or fraudulent pretence, device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to vote or refrain from voting shall be guilty of a corrupt practice and shall incur a penalty of \$200 or to imprisonment for a term not exceeding one year.

Penalty

Pretence
that ballot
is not
secret

(2) It shall be a false pretence within the meaning of this section to represent to a voter directly or indirectly that the ballot to be used or the mode of voting at an election is not secret.

Personation,
definition
of

229. A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead or of a fictitious person or who

having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election shall be guilty of the offence of personation.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. Penalty

230. A person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means or who acts as deputy returning officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. Procuring appointment as deputy returning officer or poll clerk by fraud

231. A person who knowingly appoints an election clerk, a deputy returning officer or a poll clerk who has at any time been found guilty by a competent tribunal of corrupt practices shall be guilty of corrupt practice and shall incur a penalty of \$400. Appointing persons as election officers who have been guilty of corrupt practices

232. A person who votes knowing that he has no right to vote and a person who induces or procures any other person to vote knowing that such person has no right to vote shall be guilty of a corrupt practice and shall incur a penalty of not less than \$50 or more than \$200. Voting by persons not entitled to vote to be a corrupt practice

233. A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate shall be guilty of a corrupt practice and shall incur a penalty of not less than \$50 and not more than \$1,000 but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. Publishing false statement of withdrawal of candidate

234. Any person who before or during any election for the purpose of affecting the return of any candidate at such election makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate shall be liable to a penalty not exceeding \$500 and costs and not less than \$100 and costs and to imprisonment for one month. False statement as to character or conduct of candidate

CONSEQUENCES OF CORRUPT PRACTICES.

235. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent whether with or without the actual knowledge and consent of the candidate the election of the candidate shall except in the case mentioned in section 236 be void.

When court
finds
candidate
not
personally
guilty and
offence
unimportant

236. If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void and further finds that:

- (a) No corrupt practice was committed at such election by the candidate personally and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) The candidate took all reasonable means for preventing the commission of corrupt practices at such election;
- (c) The corrupt practice was of a trivial, unimportant and limited character; and that
- (d) In all other respects so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and of his agent;

then the election of the candidate shall not by reason of the corrupt practice be void.

Candidate
guilty of
corrupt
practice
incapable
for eight
years of
being
elected, etc.

237. Subject to the provisions of subsection (2) of this section where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate then in addition to his election if he has been elected being void the candidate during the eight years next after the date of his being so found guilty shall be incapable of being elected to and sitting in the Legislative Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election and of holding any office at the nomination of the Crown or any municipal office.

Corrupt
practice
committed
in
excusable
ignorance

(2) If the election court finds that an act constituting in law a corrupt practice was committed by a candidate or with his actual knowledge and consent but without any corrupt intent and in an ignorance which was involuntary and excusable and that the evidence shewed that the candidate honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection.

Disquali-
cation of
persons
other than
candidates

238. Every person other than a candidate found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor unless such finding and report have been reversed or set aside on appeal under *The Controverted Elec-*

tions Act shall during the eight years next after the date of his being found guilty be subject to the penalties and disabilities mentioned in section 237.

(2) No person shall be subject to the penalties and disabilities referred to in subsection (1) by reason of:

Exemptions

(a) A mere technical breach of law; or

(b) An act not being an intentional violation of law.

239. If an election is set aside and a second election had the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent:

Where second election held as result of protest Effect of corrupt practices at first election

Provided always that the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 237.

240. If on the trial of an election petition a candidate is proved personally to have engaged any person as a canvasser or agent knowing that he has within eight years previous to such engagement been found guilty by a competent tribunal of or reported by an election court for a corrupt practice the election of such candidate shall be void.

Election of candidate to be void for employing agent previously found guilty of corrupt practice

241. If at any time after a person has become disqualified the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony the supreme court sitting *in banc* upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury may order that the disqualification shall thereafter cease and determine.

Removal of disqualification on proof that disqualification was procured by perjury

242. Every executory contract, promise or undertaking in any way referring to, arising out of or depending upon an election even for the payment of lawful expenses or the doing of a lawful act shall be void.

Executory contracts arising out of elections to be void

243. No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged either as giver and receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable

it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

OFFENCES AND PENALTIES.

Returning
officers, etc.,
wilfully
falsifying or
altering list
of voters to
incur
penalty

244. A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters, polling list or poll book who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Offences
relating to
ballot
papers

245. Every person who:

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) Fraudulently and without authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorised by law to place therein; or
- (d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Fraudulently uses the authorised stamp for any purpose other than the stamping of ballot papers or not being a returning officer fraudulently has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) Being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

(j) Being authorised by the returning officer to print the ballot papers for an election with fraudulent intent prints more ballot papers than he is authorised to print; or

(k) Attempts to commit any offence mentioned in this section;

shall be disqualified from voting at any election for a term of eight years thereafter and liable if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election to imprisonment without the alternative of fine for a term not exceeding two years and not less than six months with or without hard labour and if he is any other person to imprisonment for a term not exceeding one year and not less than three months with or without hard labour.

246. A person who wilfully and maliciously destroys, injures or obliterates or causes to be destroyed, injured or obliterated a writ of election or a return to a writ of election or a poll book, voters' list, list of voters, polling list, certificate or affidavit prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Abettors punishable

247. Any person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice or other document required to be posted up under any of the provisions of this Act shall be liable to a penalty not exceeding \$100 and costs and not less than \$25 and costs or in default of payment of such penalty and costs to imprisonment for a term not exceeding six months and not less than one month with or without hard labour and if the person so offending is a registrar, deputy registrar, returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act he shall be liable to a penalty not exceeding \$500 and costs and not less than \$100 and costs or in default of payment of such penalty and costs to imprisonment for a term not exceeding one year and not less than three months with or without hard labour.

Persons covering up, taking down, etc., notices

(2) A copy of subsection (1) of this section shall be printed in large type either upon every such proclamation, notice, list of voters or other document or shall be printed

as a separate notice and posted up where it can be easily read close to such proclamation, notice or other document.

Penalty for
deputy
returning
officer
omitting to
initial
ballots

248. A deputy returning officer who omits to put his initials on the back of a ballot paper in use for the purposes of an election or who puts on any ballot paper any word, letter, figure or mark not required by this Act shall incur a penalty of \$20 in respect of every such ballot paper.

Deputy
returning
officer or
poll clerk
neglecting
duties

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 169 to 176 shall for each refusal or neglect incur a penalty not exceeding \$200.

Wilful mis-
conduct in
counting
ballots, etc.

249. A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200 and one month's imprisonment.

Penalty for
refusing to
give up
arms

250. A person who upon demand refuses to deliver up to a returning officer or deputy returning officer any weapon as provided in section 213 shall incur a penalty of \$20.

Penalty for
carrying
arms

251. A person offending against any of the provisions of section 214 shall incur a penalty of \$100.

Penalty for
violating
secrecy

252. A person who acts in contravention of sections 215, 216, 217 or 218 shall be liable on conviction to imprisonment for any term not exceeding six months.

Money
penalty for
offences

253. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved thereby a sum not exceeding \$400.

PROSECUTIONS.

Proceedings
for enforce-
ment of
Act

254. Proceedings for the imposition of punishment by fine, penalty or imprisonment for any violation of any of the provisions of this Act shall be brought summarily before any two justices of the peace or police magistrate or before the judge of the district court of the judicial district in which such violation was committed, sitting and acting as a justice of the peace under the provisions of part XV of *The Criminal Code*:

Provided however that no proceedings in respect of violations of section 245 of this Act shall be held or taken before any justice of the peace or police magistrate but the judge of the said district court only shall have jurisdiction in such cases.

(2) No appeal shall lie from any conviction or order made by a district court judge under the provisions of this section.

No appeal
from
district
court

255. In any proceeding it shall not be necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election but general evidence shall be sufficient.

Writ need
not be
produced
at trial

256. The certificate of the returning officer to that effect shall constitute sufficient proof of the election having been held and of the fact of any person therein stated to have been a candidate having been such candidate; and such facts may also be proved by parol evidence.

Certificate
of
returning
officer to be
sufficient
proof of
holding
election

257. Any pecuniary penalty, fine or sum of money which an accused person has been ordered to pay shall belong to the general revenue fund of the province.

Pecuniary
penalty
belongs to
general
revenue
fund

258. In the event of suspension or delay at any stage of such proceedings the court before which the matter is pending may permit one or more persons to intervene and carry on such proceedings to a final determination.

Court may
allow
person to
intervene

259. Proceedings under sections 254, 255, 256, 257 and 258 shall be commenced within six months next after the violation of this Act was committed by act or omission and not afterwards.

Limitation
of
proceedings

ELECTION EXPENSES.

260. Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

Appointment
of official
agent

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed which shall be forthwith published by the returning officer.

On death or
incapacity
of an agent,
appointment
of another

261. No payment, except with respect to the personal expenses of a candidate and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent.

Payments
not to be
made except
through
agent

(2) "Personal expenses" when used in this section shall include the following expenses and payment therefor may lawfully be made by the candidate personally:

Personal
expenses of
candidate,
what to
include

(a) Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in

which to address public meetings of voters; and the expenses incurred in heating, lighting and cleaning the same;

- (b) Reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) Reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) Reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral division and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance and the services of a driver on the polling day.

Onus
probandi

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

Receipt of
ordinary
and
reasonable
charges,
when not to
disqualify
voter

(4) The contracting for or the receipt of the ordinary and reasonable charges:

- (a) By the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or
- (b) By a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) By any person for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by subsection (2) of section 261.

shall be lawful and shall not disqualify him from voting.

Claims
on
candidate in
respect of
any election
when to be
sent in to
agent

262. Every person who has any claim against a candidate for or in respect to an election shall send in such claim within one month from the day of the declaration of the result of the election to the official agent of the candidate otherwise he shall be barred of his right to recover the same.

Case of
death of
person
making
claim

(2) In case of the death within the said month of any person having such claim his legal representative shall send

it in within one month after probate or administration has been obtained otherwise the right to recover the same shall be barred.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate. Case of death of agent

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent. Agent not to pay without authority of candidate

263. Notwithstanding anything in the next preceding section contained any claim which would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his official agent after that time if such claim is approved by the judge. All claims allowed by the judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. Payment of lawful accounts rendered after one month from election

264. A detailed statement of all election expenses incurred by or on behalf of a candidate including payments in respect of his personal expenses shall within two months after the election (or where by reason of the death of the creditor no claim has been sent in within such period of two months then within one month after such claim has been sent in) be made out and signed by the official agent who has paid the same (or by the candidate in case of payments made by him) and delivered with the bills and vouchers relating thereto to the returning officer. A detailed statement of election expenses, etc., to be sent to returning officers, who shall publish same

(2) The returning officer within fourteen days after receiving the statement shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulating in the electoral division and the returning officer shall mail a copy of the said statement to the clerk of the Executive Council.

(3) An agent or candidate who makes default in delivering the statement to the returning officer shall incur a penalty not exceeding \$25 for every day during which he makes default. Penalty

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of \$400.

(5) The returning officer shall preserve all such bills and vouchers and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. Returning officer to preserve bills, etc., and allow inspection

FEES AND EXPENSES.

Compensation and expenses to be fixed by Lieutenant Governor in Council

265. The compensation of returning officers and other persons employed at or with respect to elections under this Act and all expenses consequent thereupon shall be paid by the provincial treasurer out of the general revenue fund of the province but only such sums as shall be determined by the Lieutenant Governor in Council and no more shall be allowed or paid for such services and expenses.

(2) All accounts for compensation of services and expenses payable under the provisions of this section shall be rendered in duplicate duly certified to and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded for payment as herein provided to the clerk of the Executive Council at the city of Regina.

GENERAL.

Lieutenant Governor in Council may make regulations

266. The Lieutenant Governor in Council may make such rules and regulations as he may deem necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

Lieutenant Governor in Council may vary, etc., forms

267. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

C. 3 C.O. 1898 repealed

268. Chapter 3 of *The Consolidated Ordinances* of the North-West Territories, 1898, intituled "*The Territories Elections Ordinance*" and all amendments thereto are hereby repealed.

ELECTIONS PENDING COMPLETION OF VOTERS' LISTS.

Interim provisions for elections

269. Until lists of voters shall have been completed and revised in accordance with this Act, the provisions contained in sections 269 to 285 both inclusive of this Act shall to the extent to which the same are applicable apply in the case of an election under this Act.

Subdivision of electoral division into polling subdivisions

270. Immediately upon the receipt by the returning officer of the writ for the election the returning officer shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters.

Enumerators appointed by Lieutenant Governor to make voters' lists

271. The Lieutenant Governor in Council may appoint enumerators to make lists of the voters in the electoral division.

(2) If such appointments have not been made before the issue of a writ for the election the returning officer immediately upon receiving such writ conjointly with any two justices of the peace or with any one justice of the peace and a notary public or with any one of them resident in or near the electoral division and two voters of such division neither of the number being the candidate shall appoint under their hands a competent and reliable person to be enumerator for any one or more polling subdivisions or such electoral division.

(3) The returning officer shall see that no polling subdivision is omitted to be included in some one of such appointment.

272. Every enumerator shall before acting as such take Oath of enumerator the oath of office (form 54).

273. Each such enumerator shall immediately upon his List of voters by enumerator having taken the oath of office complete a list of the persons qualified as voters to vote at the election then pending for the polling subdivision or each of the polling subdivisions for which he has been appointed; and he shall make three plainly written copies thereof with the names of the voters alphabetically arranged giving the occupation and residence of each voter (form 55).

274. Each enumerator shall complete, date at his place of List to be posted up residence and sign the copies of the voters' list or lists as aforesaid eight days before the polling day; two of the said copies for each polling subdivision he shall forthwith post up in two of the most public places within such polling subdivision and the other he shall retain for revision.

(2) One of the places where copies of the list are to be so At post office or other conspicuous place posted up shall be the post office nearest to the place appointed as polling station for the polling subdivision or if there is no such post office a conspicuous place outside and adjoining the main entrance to such polling station.

(3) The enumerator shall attach to each of the two copies Notice of place where enumerator may be found posted up by him a written notice signed by him designating a place and time where and when voters may conveniently find him during at least two consecutive hours on every day except Sunday of the eight days next before the polling day; and the enumerator shall attend for that purpose at the time and place so designated for at least two consecutive hours on each of the said eight days.

275. If any enumerator at any time after posting up any Correction of list of voters voters' list and two days before the polling day is fully satisfied from representations made to him by any credible person that

the name of any qualified voter has been omitted from the voters' list of the polling subdivision to which such voter belongs he shall add such name to the copy of the list in his possession below his own signature and shall attest such addition by his initials.

Enumerator
may erase
name of
persons not
qualified

(2) If the enumerator in like manner is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling subdivision he may draw erasing lines through such name and write his own initials opposite thereto in the column for remarks.

And correct
description

(3) If the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list he may make the necessary alteration and affix his initials thereto in like manner.

Attestation
of list of
voters

276. Every enumerator having revised and corrected such retained copy of each voters' list compiled by him if he deems such correction necessary as provided in the next preceding section shall write at the foot of such copy and close to the last name thereon two days before the polling day a certificate in the form of the second certificate contained in form 55.

List to be
delivered to
deputy re-
turning of-
ficer

277. The enumerator shall deliver the voters' list so certified forthwith or before eight o'clock in the morning of the polling day to the deputy returning officer for the polling subdivision to which it relates; and such list as received by such deputy returning officer shall be the voters' list for such polling subdivision subject to be further corrected on the polling day as hereinafter provided and shall be and constitute the polling list within the meaning of this Act.

When cer-
tain voters
and agents
may vote at
polling sta-
tions where
employed

278. Any deputy returning officer, candidate, agent or poll clerk who belongs to a polling subdivision other than the one at which he is employed on the polling day shall be permitted to vote at the polling place where he is so employed provided he produces a certificate from the enumerator of the polling subdivision to which he belongs that he is a qualified voter in such polling subdivision which certificate such enumerator shall give gratis to any qualified voter who is so stationed outside of his polling subdivision.

(2) In issuing such certificates every enumerator:

- (a) Shall not issue more than three certificates for use in any one polling subdivision to agents of any candidate;
- (b) Shall mention in such certificate the date of issue and sign such certificate;
- (c) Shall number consecutively in order of issue any such certificate;
- (d) Shall not issue in blank any such certificate.

(3) Each such certificate shall contain in writing the name of the person to whom it is issued and shall state that such person is a qualified voter, the polling subdivision in which he is entitled to vote and if he is a deputy returning officer, agent or poll clerk the polling place for which he is appointed.

279. In case any vote is recorded as provided in the next preceding section in a polling division other than that in which a voter resides the voter shall file with the deputy returning officer the certificate provided for in the said section and there shall be entered in the poll book opposite the voter's name in the column for remarks a memorandum stating that he has voted under such certificate and stating the particular office or position which the voter is filling at the polling place. Entry in such case

280. Every deputy returning officer may and shall when he is required so to do by any candidate or agent of a candidate administer to any voter the oath (form 56). Administration of oath to electors

281. The deputy returning officer shall while the poll is open if required by any person whose name is not on the voters' list administer to such person the oath (form 56); and such oath having been taken the deputy returning officer shall at once cause such person's name to be added to the voters' list with the word "sworn" written thereafter. Oath to voter whose name is not on list

282. Every person whose name is on the voters' list unless sworn as in the next preceding section provided shall before being permitted to vote if required by any candidate, agent or voter take the oath (form 56) and if he refuses to take the same erasing lines shall be drawn through his name on the voters' list and in the poll book if such name has been entered in the said book and the words "refused to be sworn" written thereafter; and any person whose name is so erased shall not be permitted to vote at the said election. Voter refusing to be sworn

283. The poll clerk shall make such additions, alterations and erasures in the voters' list and such entries in the poll book as the deputy returning officer directs him to make as is required by any provision in sections 269 to 285 both inclusive of this Act. Correction of the voters' list

284. Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in accordance with the foregoing provisions of sections 269 to 285 both inclusive of this Act. Which voters may vote

Persons en-
titled to
vote

285. For the purpose of an election held under the provisions of sections 269 to 285, both inclusive hereof, the following persons only shall be entitled to vote, that is to say: All male persons of the full age of 21 years who are British subjects by birth or naturalisation, who are not Indians or persons of the Chinese race and who have resided in Saskatchewan for at least one year and in the electoral division in which they seek to vote for at least three months immediately preceding the date of the issue of the writ of election and who are not disqualified under any of the provisions of this Act.

(286) 1908-9 p 153 - Rep. new ed. 1909 p 152

SCHEDULE.

The following is the schedule of forms referred to in this Act:

FORM 1.

(Section 16.)

PROCLAMATION FOR MAKING AND REVISION OF LISTS OF VOTERS.

Canada:

Province of Saskatchewan.

EDWARD THE SEVENTH by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

PROCLAMATION.

To all to whom these presents shall come, greeting:

Whereas, pursuant to the provisions of *The Saskatchewan Election Act* it has been determined to make and revise a list of voters in and for the several electoral divisions of the Province of Saskatchewan and it is necessary for the said purpose to issue a proclamation containing the information hereinafter set forth;

Now, THEREFORE, we have thought fit and do hereby, pursuant to the powers and authority contained in *The Saskatchewan Election Act* proclaim the following:

(Here shall follow the particulars required pursuant to section 16 of *The Saskatchewan Election Act*.)

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Saskatchewan to be hereunto affixed.

Witness our right trusty and well beloved, His Honour
 . Lieutenant Governor of our said
 Province of Saskatchewan.

At our Government House in our city of Regina in our said
 Province of Saskatchewan this day of
 in the year of our Lord one thousand nine hundred and
 and in the year of our reign.

By command,

.....
Provincial Secretary.

FORM 2.

(Section 17.)

NOTIFICATION TO REGISTRAR.

To *C.D.* (*insert residence and occupation*).

Know you that, under the provisions of *The Saskatchewan Election Act* you have been appointed Registrar for the Electoral Division of (*here state name of the Electoral Division*).

Given under my hand at the city of Regina in the Province of Saskatchewan this day of
 A.D. 19 .

A.B.

Clerk of the Executive Council.

FORM 3.

(Section 17.)

NOTIFICATION TO REVISING OFFICER.

To His Honour
 District Court Judge.

Know you that under the provisions of *The Saskatchewan Election Act* you have by virtue of your office been appointed Revising Officer for the purpose of adding to and revising the list of voters in and for the Electoral Division of
 and that for the purpose named you are possessed of all the powers and authority in that behalf contained in *The Saskatchewan Election Act*.

Given under my hand at the city of Regina in the Province of Saskatchewan this day of
 A.D. 19 .

A.B.

Clerk of the Executive Council.

FORM 4.

(Section 19.)

FORM OF REGISTER.

Electoral Division of

Polling Subdivision No.

(First page.)

List of persons registered as voters or applying therefor but refused.

No.	Name	Residence of person (Give street and number if possible)	Occupation or profession	"Allowed" or "disallowed"	Remarks

FORM 5.

(Sections 20 and 34.)

Electoral Division of

Polling Subdivision No.

Interrogatories to be answered by persons applying to be registered voters.

N.B.—In view of the uncertain knowledge of applicants for registration generally as to the limits and boundaries of the several polling subdivisions, the deputy registrar should before writing any answer refer to section 34 of *The Saskatchewan Election Act* under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting Interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting;

and (3) if such applicant is not so resident to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

<p>1. What is your Christian name, surname, place of residence, occupation and post office address? <i>(Street and number of house to be given if possible.)</i></p>	1.
<p>2. Do you now reside in Polling Subdivision No. _____ of the Electoral Division of _____ for which you now apply to be registered? On what premises do you reside?</p>	2.
<p>3. Are you of the male sex and of the full age of twenty-one years?</p>	3.
<p>4. Are you a British subject by birth or naturalisation? State which.</p>	4.
<p>5. Have you resided in the Province of Saskatchewan for one year immediately prior to _____? <i>(Here insert the date fixed for the closing of the registration of voters under the provisions of The Saskatchewan Election Act.)</i></p>	5.
<p>6. Have you resided and had your fixed habitation in this Electoral Division for a continuous period of three months immediately prior to _____? <i>(Here insert the date of the closing of the registration of voters under the provisions of The Saskatchewan Election Act.)</i></p>	6.

Interrogatory is to be put in case the applicant has not been a resident of the electoral division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of the voters under the provisions of *The Saskatchewan Election Act* but seeks registration in the electoral division in which he formerly resided.)

7. Have you resided and had your fixed habitation in this electoral division for a continuous period of three months during the said period of one year?

8. Are you in any respect disqualified from being registered a voter in this Electoral Division under *The Saskatchewan Election Act*?

9. Have you applied for and been registered in this or any other Electoral Division in Saskatchewan during the current year?

Canada:
Province of Saskatchewan,
To wit:

I, (name in full) of _____ in the Province of Saskatchewan (occupation), do solemnly declare that the foregoing answers in writing to the above interrogatories are true and correct in substance and in fact, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at
in the said province this
day of

A.D. 19 .

A.B.

Registrar or Deputy Registrar.
Electoral Division of
Polling Subdivision No.

FORM 6.

(Sections 20 and 34.)

Electoral Division of

Polling Subdivision No.

Interrogatories to be answered by person on behalf of a person unable owing to physical disability to attend personally to apply for registration as a voter.

N.B.—In view of the uncertain knowledge of applicants for registration generally as to the limits and boundaries of the several polling subdivisions the deputy registrar should before writing any answer refer to section 34 of *The Saskatchewan Election Act*, under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting Interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting; and (3) if such applicant is not actually so resident to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

1. What is the Christian and surname, place of residence, occupation and postoffice address of the applicant for registration?
(Street and number to be given if possible.)

1.

2. Does he now reside in Polling Subdivision No. of the Electoral Division for which he now applies to be registered a voter? On what premises does he reside?

2.

3. What is your Christian and surname, place of residence and post office address?
(Street and number to be given if possible.)

3.

4. What is the relationship between yourself and the applicant? 4.

5. Is the applicant of the male sex and of the full age of twenty-one years? 5.

6. Is the applicant a British subject either by birth or naturalisation? State which. 6.

7. Has he resided in the Province of Saskatchewan for one year immediately prior to (*here insert the date of the closing of the registration of voters under the provisions of The Saskatchewan Election Act*)? 7.

8. Has the applicant resided or had his fixed habitation in this Electoral Division for a continuous period of three months immediately prior to (*here insert the date of the closing of the registration of voters under the provisions of The Saskatchewan Election Act*)? 8.

(*The following Interrogatory is to be put in case the applicant has not been a resident of the electoral division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of the voters under the provisions of The Saskatchewan Election Act but seeks registration in the electoral division in which he formerly resided.*)

9. Did the applicant reside
and have his fixed habitation in
this electoral division for a con-
tinuous period of three months
during the said period of one
year?

9.

10. Is he in any respect dis-
qualified from being registered as
a voter in this Electoral Division
under this Act?

10.

11. What is the nature of the
physical disability that prevents
the applicant from applying per-
sonally to be registered a voter
within this Electoral Division?

11.

12. Has the applicant ap-
plied for and been registered a
voter in any other Electoral Divi-
sion in Saskatchewan during the
current year?

12.

STATUTORY DECLARATION.

Canada:	}	I, (<i>name in full</i>) of
Province of Saskatchewan		in the Province of Saskat-
To wit:		chewan (<i>occupation</i>)

do solemnly declare that the foregoing answers in writing to
the above interrogatories are true and correct in substance
and in fact, that I make this solemn declaration conscien-
tiously believing it to be true and knowing that it is of the
same force and effect as if made under oath and by virtue of
The Canada Evidence Act.

Declared before me at	}	in the
said province, this		
day of		A.D. 19
A.B.		

Registrar or Deputy Registrar.

Electoral Division of
Polling Subdivision No.

FCRM 7.

(Sections 20 and 34.)

Electoral Division of

Polling Subdivision No.

Interrogatories to be answered by person on behalf of a person unable to attend personally to apply for registration as a voter by reason of being temporarily and unavoidably absent.

N.B.—In view of the uncertain knowledge of applicants for registration generally as to the limits and boundaries of the several polling subdivisions the deputy registrar should therefore before writing any answer refer to section 34 of *The Saskatchewan Election Act* under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting Interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting; and (3) if such applicant is not so resident to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

1. What is the Christian and surname, place of residence, occupation and post office address of the applicant for registration? (Street and number to be given if possible.)	1.
2. Does he now reside in Polling Subdivision No. of the Electoral Division for which he now applies to be registered a voter? On what premises does he reside?	2.
3. What is your Christian and surname, place of residence, occupation and post office address? (Street and number to be given if possible.)	3.

4. What is the relationship between yourself and the applicant?

4.

5. Is the applicant of the male sex and of the full age of twenty-one years?

5.

6. Is the applicant a British subject either by birth or naturalisation? State which.

6.

7. Has he resided in the Province of Saskatchewan for one year immediately prior to (*here insert the date of the closing of the registration of voters under the provisions of The Saskatchewan Election Act*)?

7.

8. Has the applicant resided or had his fixed habitation in this Electoral Division for a continuous period of three months immediately prior to (*here insert the date of the closing of the registration of voters under the provisions of The Saskatchewan Election Act*)?

8.

(*The following Interrogatory is to be put in case the applicant has not been a resident of the electoral division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of the voters under the provisions of The Saskatchewan Election Act but seeks registration in the electoral division in which he formerly resided.*)

9. Did the applicant reside and have his fixed habitation in this electoral division for a continuous period of three months during the said period of one year?	9.
10. Is he in any respect disqualified from being registered as a voter in this Electoral Division under the provisions of <i>The Saskatchewan Election Act</i> ?	10.
11. What is his business and is he at present absent from the Province with respect thereto and unable to apply personally to be registered a voter within this Electoral Division?	11.
12. Has the applicant applied for and been registered a voter in any other Electoral Division in Saskatchewan during the current year?	12.

Canada: I, (name in full) of
Province of Saskatchewan in the Province of Saskat-
To wit: chewan (occupation)
do solemnly declare that the foregoing answers in writing to
the above interrogatories are true and correct in substance
and in fact, and I make this solemn declaration conscien-
tiously believing it to be true and knowing that it is of the
same force and effect as if made under oath and by virtue of
The Canada Evidence Act.

Declared before me at
in the said province this
day of A.D. 19 .
A.B.
Registrar or Deputy Registrar.
Electoral Division of
Polling Subdivision No.

FORM 8.

(Section 23.)

OATH OF REGISTRAR.

I, the undersigned, appointed registrar for the Electoral Division of _____, do solemnly swear (or affirm) that I will faithfully discharge and perform all the duties of the office without partiality, fear, favour or affection and in every respect according to law. So help me God.

Sworn (or affirmed) before me
 at _____ in the
 Province of Saskatchewan
 A.D. 19 .
 this _____ day of

A.B.,
 Registrar.

.....
 A Commissioner, etc.
 (or as the case may be).

FORM 9.

[Section 23 (3).]

COMMISSION OF DEPUTY REGISTRAR.

To C.D. (*Set forth his residence and occupation*)

KNOW YOU THAT in my capacity of Registrar for the Electoral Division of _____ under the provisions of *The Saskatchewan Election Act* I do hereby appoint you to be a deputy registrar in and for the polling subdivisions numbers _____ to act in that capacity according to law.

Given under my hand this _____ day of
 A.D. 19 .

A.B.,
 Registrar.

FORM 10.

[Sections 24 and 52 (1).]

REGISTRATION OF VOTERS.

Electoral Division of _____

Public Notice is hereby given:

1. That pursuant to the proclamation of the Lieutenant Governor in Council in that behalf it has been determined:

to make and revise a list of voters for each polling subdivision in the Electoral Division of

2. That registration sittings will be held from day
the day of 19 until day
the day of 19 both inclusive
between the hours of nine o'clock in the forenoon and nine
o'clock in the afternoon with intermissions from half past
twelve o'clock to two o'clock and from six o'clock to half
past seven o'clock.

N.B.—The time from half past seven o'clock until nine o'clock in the afternoon shall so far as possible be set apart for the registration of working men.

[If a list of voters is to be compiled pursuant to sections 47 to 51 both inclusive of The Saskatchewan Election Act insert after the word "that" in the first line of the above paragraph the following:

In polling subdivisions numbers to both inclusive hereinafter mentioned" (being polling subdivisions included within the limits of a city constituency, city or town).]

3. That all persons desiring to be registered as voters must apply personally at the place hereinafter stated except in case of sickness, physical disability, temporary and unavoidable absence in which case the provisions of section 37 and 38 of *The Saskatchewan Election Act* shall apply.

The list prepared under the foregoing provisions will be subject to objection and revision as provided by *The Saskatchewan Election Act*.

4. That the names, boundaries and limits of the said polling subdivisions numbers to inclusive, the places where registration sittings will be held in each polling subdivision and the names and post office addresses of the deputy registrars of each are respectively as follows, that is to say:
(Here insert the necessary information somewhat as follows:

Polling Subdivision No. (*give name*) in the city
(town or village) of consisting of (*here fill in the description concisely*) at J. R. Robinson's office, 205
Central Avenue. W. Brown of post office, Deputy Registrar).

[In case a list of voters of polling subdivisions not included within the limits of a city constituency, city or town is being compiled pursuant to sections 47 to 51 both inclusive of The Saskatchewan Election Act the following paragraph shall be added.

5. That in polling subdivisions numbers to both inclusive hereinafter mentioned (being polling subdivisions not included within the limits of a city constituency, city or town) each deputy registrar will compile a list of voters by process of enumeration subject to final revision by the court of revision; that no personal application for registration shall

be necessary; and that the names, boundaries and limits of the said polling subdivisions numbers to both inclusive and the names and the post office addresses of the deputy registrars of each are respectively as follows, that is to say:

(Here insert the necessary information somewhat as follows:

Polling Subdivision No. *(give name)* consisting of townships four and five in range six west of the second meridian *(or as the case may be)* W. H. Smyth of Fairy Hill post office, Deputy Registrar).]

A.B.,
Registrar.
Electoral Division of

FORM 11.

(Section 24 [3]).

REGISTRATION OF VOTERS.

TAKE NOTICE THAT under the provisions of the following sections 11 to 13 both inclusive of *The Saskatchewan Election Act* only the following persons are entitled to be registered and to vote at an election of a member to serve in the Legislative Assembly of Saskatchewan, that is to say:

(Here insert sections 11 to 13 both inclusive of The Saskatchewan Election Act.)

A.B.
Registrar.
Electoral Division of

FORM 12.

(Section 26.)

OATH OF DEPUTY REGISTRAR.

I, the undersigned, appointed Deputy Registrar for Polling Subdivision No. in the Electoral Division of , do solemnly swear *(or affirm)* that I will faithfully discharge and perform all the duties of the

office without partiality, fear, favour or affection and in every respect according to law. So help me God.
Sworn (*or affirmed*), etc.

A.B.

Deputy Registrar.

FORM 13.

(*Section 36.*)

CERTIFICATE OF DEPUTY REGISTRAR OF REFUSAL TO INSERT
NAME OF APPLICANT FOR REGISTRATION IN REGISTER.

Electoral Division of

Polling Subdivision No.

I,
Deputy Registrar for Polling Subdivision No.
in the Electoral Division of _____, do hereby
certify that I refused favourably to entertain the application
of _____ for the registration of the
name of _____ as a voter of Polling Subdi-
vision No. _____ of the Electoral Division of
for the following reasons (*here state reasons*):
Given under my hand this _____ day of
A.D. 19 _____.

A.B.

Deputy Registrar.

*Electoral Division of
Polling Subdivision No.*

FORM 14.

(*Section 37.*)

NOTICE TO DEPUTY REGISTRAR BY PERSON UNABLE TO APPLY
FOR REGISTRATION OWING TO SICKNESS OR OTHER
PHYSICAL DISABILITY.

To the Deputy Registrar of Polling Subdivision No.
of the Electoral Division of _____

Take notice that I (*name, etc., in full*), of
claim to be entitled to be registered as a voter in Polling
Subdivision No. _____ of the Electoral Division of _____

That my place of residence is (*give residence*).

That I am physically unable to apply personally for registration as aforesaid.

That I am entitled to be registered and to become a voter in and for the said Polling Subdivision No. of the said Electoral Division of

Dated this day of A.D. 19 .
A.B.

FORM 15.

(*Section 37.*)

NOTICE TO DEPUTY REGISTRAR BY ABSENTEE.

To the Deputy Registrar of Polling Subdivision No. of the Electoral Division of

Take notice that I (*name in full*) of claim to be entitled to be registered a voter in Polling Subdivision No. of the Electoral Division of

That my place or residence is (*state residence*).

That I am now and have been temporarily and necessarily absent from my place of residence since the day of 19 and no longer, in the pursuit of my usual calling or occupation (or by reason of the following cause, viz: *stating it*).

That I am entitled to be registered and become a voter in and for the said Polling Subdivision No. of the said Electoral Division of

Dated this day of A.D. 19 .
C.D.

FORM 16.

[*Sections 45 (1) and 53.*]

LIST OF VOTERS.

Electoral Division of
Polling Subdivision No.

No.	Name	Occupation	Residence (Street and House Number)	Post Office Address	Remarks

Form of Certificate on Concluding Page.

I, _____, Deputy Registrar of
 Polling Subdivision No. _____ in the Electoral Division
 of _____, do hereby certify that the names of the
 persons set forth above, numbered pages to _____ inclusive,
 comprise the names of all the persons and of no others who
 attended before me and were registered as voters in said
 polling subdivision at the registration sittings held by me
 therein on the (*give dates*) and that the occupations and resi-
 dences of such persons are truthfully shown.

Dated at _____ this _____ day of
 A.D. 19 ____.

A.B.,
Registrar or Deputy Registrar.
Electoral Division of
Polling Subdivision No.

FORM 17.

[*Sections 46 (2) and 50 (3).*]

NOTICE.

Electoral Division of
 Polling Subdivision No. _____

Take notice that objections or complaints may be made
 by any of the persons mentioned in clauses 1, 2, 3 or 4 of
 section 33 of *The Saskatchewan Election Act* and by any
 person entitled to be registered as a voter to the retention of
 any name or names set forth in the above list by delivering or
 transmitting by registered post to _____, the Deputy
 Registrar for Polling Subdivision No. _____ in the Electoral
 Division of _____ directed to him
 at _____ post office on or before the

_____ day of _____ A.D. 19 ____, a notice
 in writing in the case of each objection or complaint setting
 forth the grounds of such objection or complaint and giving
 the name and post office address of the person objected to.

Note—Each objection or complaint shall be in respect of
 one name only in each case.

And further take notice that on the _____ day of
 _____ A.D. 19 ____, at the hour of
 o'clock in the _____ noon at (*name of court house, town*
hall or other building) in the _____ of (*city, town*
or village) in the Province of Saskatchewan a court of revi-

sion will be held to hear and determine any and all applications to add names to and any and all objections against the retention of any name or names on the above list of voters for Polling Subdivision No. _____ in the Electoral Division of _____

Dated this _____ day of _____ A.D. 19 ____
 A.B.,
Registrar.

Electoral Division of
Polling Subdivision No.

FORM 18.

(Section 49.)

LIST OF VOTERS.

Electoral Division of _____
 Polling Subdivision No. _____

Name	Occupation or addition	Residence (Give street and No. and section if possible)	Post Office Address	Remarks

I certify that the foregoing is a true copy of the list of voters in Polling Subdivision No. _____ of the Electoral Division of _____ as made by me during the current year.

Dated this _____ day of _____ A.D. 19 ____
 A.B.,
Registrar or Deputy Registrar.

Electoral Division of
Polling Subdivision No.

FORM 19.

[Section 52 (2).]

NOTICE TO PERSON OBJECTED TO.

Electoral Division of _____
 Polling Subdivision No. _____

You are hereby notified that an objection or complaint has been filed with me to the retention of your name on the list

of voters prepared by me pursuant to section 45 (or 49 as the case may be) of *The Saskatchewan Election Act* for this polling subdivision and that a sitting of the court of revision to revise the list of voters for Polling Subdivision No. _____ of the Electoral Division of _____ will be held at _____ in the (city, town or village, or as the case may be) commencing at _____ o'clock in the _____ noon on the _____ day of _____ A.D. 19____, when and where such objection or complaint will be heard, of which you are hereby required to take notice and to govern yourself accordingly.

A.B.,

Registrar or Deputy Registrar.

To (give address).

N.B.—This notice must be sent by registered post.

FORM 20.

(Sections 53 and 87.)

Canada:

Province of Saskatchewan,

To wit:

I, _____ of the _____ of _____ in the Province of Saskatchewan, (occupation), make oath and say:

1. That I have set down in the list of voters appended hereto for (describe the polling subdivision for which the deponent is deputy registrar), according to the best of my knowledge, information and belief, the name of every person entitled to be entered thereon.

2. That I have not entered upon the said list the name of any person which I had any reason to know or believe ought not to be entered thereon.

3. That I have not intentionally omitted from the said list the name of any person which I had any reason to know or believe ought to be entered thereon.

4. That I have to the best of my knowledge and belief discharged the duties required of me by *The Saskatchewan Election Act*.

5. That after posting notices as required by section 48 of *The Saskatchewan Election Act* and before preparing the said lists I personally visited every house or other dwelling place in the said polling subdivision and made careful inquiry at

all such houses as to the names of all persons entitled to be placed upon said list as required by section 49 of the said Act.

Sworn before me at the

of _____ in the
Province of Saskatchewan this
day of _____

A.D. 19 .

A _____ in and for the Province of

.....
Saskatchewan.

FORM 21.

(Section 53.)

FORM OF CERTIFICATE OF DEPUTY REGISTRAR ON TRANSMITTING BOOKS, ETC., TO REGISTRAR.

Electoral Division of
Polling Subdivision No.

I, _____, Deputy Registrar of
Polling Subdivision No. _____ of the Electoral Division of
do hereby certify that the accompanying books, documents, papers and notices constitute and comprise all the books, documents, papers and notices in my possession relating to and used by me at the registration of voters in Polling subdivision No. _____ and that the list of names appearing in the register forming part of such books comprises the names of all and only the persons who were by me registered as voters in the said polling subdivision and is true in substance and in fact.

Dated at _____ this _____ day of

A.D. 19 .

A.B.

Deputy Registrar.

Electoral Division of
Polling Subdivision No.

FORM 22.

[Section 59 (2).]

Electoral Division of
Polling Subdivision No.

To (*here insert name*), Deputy Registrar of Polling Subdivision No.

You are hereby notified that the dates on, the place or places at and the hours between which a court of revision will

be held for the Electoral Division of _____ are as follows (*here give the necessary information applicable to each electoral division*).

A.B.,

Registrar.

Electoral Division of _____

FORM 23.

(Section 65.)

ORDER FOR ATTENDANCE OF WITNESS AT COURT OF REVISION.

Electoral Division of _____

To (*here insert name, occupation and residence*).

I do order you and each of you personally to attend before the court of revision to be held on _____ the day of _____ 19 , at _____ o'clock in the _____ noon at _____ in the _____ of _____ in the Province of Saskatchewan and then and there to testify what you and each of you may know concerning the complaint or application then to be investigated by the said court and so on from day to day, and you and each of you shall bring with you and each of you the papers herein particularly described, that is to say:

Given under my hand at _____ this day of _____ 19 , under
The Saskatchewan Election Act.

A.B.,
Revising Officer.

FORM 24.

(Section 76.)

CERTIFICATE OF REVISING OFFICER.

Canada:
Province of Saskatchewan,
To wit:

Electoral Division of _____

I, _____ the undersigned revising officer for the electoral division of _____ do

hereby declare and certify that the sittings of the court of revision for the purpose of adding to and revising the list of voters for the electoral division of
 have been held by me pursuant to and in strict compliance with the statutory requirements in that behalf and that all necessary corrections have been made therein and the names of all persons entitled to be registered as voters, who so applied have been added thereto and that the said list as revised by me now is and constitutes the list of qualified voters in and for the said Electoral Division of
 and is now in full force and effect.

Given under my hand at _____ in the Province
 of Saskatchewan, this _____ day of
 A.D. 19 _____

A.B.,
Revising Officer.

FORM 25.

(Section 92.)

WRIT OF ELECTION.

Canada:

Province of Saskatchewan.

EDWARD THE SEVENTH, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

To _____ of
 in the Province of Saskatchewan, greeting:

Whereas, by the advice of our Executive Council of our Province of Saskatchewan, we have ordered a Legislature to be holden at our city of Regina on the _____ day of _____ next (*omit this preamble in the case of a bye election*).

We command you that, notice of the time and place of election being duly given, you do cause an election to be had according to law of a member to serve in the Legislative Assembly of our said Province of Saskatchewan for the Electoral Division of _____ (*in case of a bye election insert here: "in the place of _____ deceased," or otherwise state cause of vacancy*) and that you do cause the nomination of candidates at such election to be held on the _____ day of _____ next and do cause the name of such member so elected whether he be

present or absent to be certified to our clerk of the Executive Council on or before the day of next.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Saskatchewan to be hereunto affixed.

Witness our trusty and well beloved,

Lieutenant Governor of our Province of Saskatchewan at our city of Regina this day of in the year of our reign and the year of our Lord 19 .

By order,

.....
Clerk of the Executive Council.

Indorsement.

Received the within writ on

being the

day of

19 .

A.B.,

Returning Officer..

FORM 26.

(Section 93).

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of every person in attendance at this polling place or at the counting of the votes not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Saskatchewan Election Act*, it is further provided that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election or shall attempt to do so and that any returning officer, deputy returning officer or other officer engaged in the election

who is guilty of any violation of that provision shall be liable to imprisonment for three years and any other person guilty of such violation to imprisonment for one year.

The said Act further provides that in addition to every other penalty and liability any officer engaged in the election who is guilty of any wilful misfeasance or any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of \$400.

A.B.,

Clerk of the Executive Council.

FORM 27.

(Section 95.)

POLL BOOK.

Consecutive Number	NAMES OF VOTERS	Place of Residence	Occupation	Objections	Sworn or affirmed	Refused to swear or affirm or to answer	Voted To indicate that Voter has voted	REMARKS

FORM 28.

[Section 95 (2).]

Electoral Division of

To (*here insert name*).

Deputy Returning Officer of Polling Place No.

You are hereby notified that the limits and boundaries of the several polling subdivisions of the electoral division of are as follows:

Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).
Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).
Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).
Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).
Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).
Polling Subdivision No.	(<i>give name</i>) (<i>here state limits and boundaries concisely</i>).

A.B.,

Returning Officer.

Electoral Division of

FORM 29.

(Section 104.)

OATH OF RETURNING OFFICER.

I, A.B., Returning Officer for the Electoral Division of , swear (*or solemnly affirm*) that I am legally qualified to act as returning officer for the said electoral division and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
 the of in the Province
 of Saskatchewan this
 day of , 19 .

 A Commissioner, etc.
 (*or as the case may be*).

A.B.,
Returning Officer.

FORM 30.

(Section 105).

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE
TIME AND PLACE FOR THE NOMINATION OF CANDIDATES
AND THE DAY FOR OPENING THE POLL.

PROCLAMATION.

Electoral Division of

Public Notice is hereby given that in obedience to His Majesty's writ to me directed and bearing date the day of _____, 19____, I require the presence of the voters at (*the town hall or as the case may be*), in the (*city, town or village or as the case may be*) in the electoral division of _____ on the _____ day of _____, 19____, from noon until two o'clock in the afternoon, for the purpose of nominating a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed such poll will be opened on the _____ day of _____, 19____, from the hour of nine o'clock in the forenoon until five o'clock in the afternoon as follows:

For the polling subdivision No. 1 consisting of (or bounded as follows: *or otherwise describing it clearly*) at _____ (*describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral division*) (*name of deputy returning officer*) deputy returning officer.

And further that at (*describe place where votes will be added up*) on the _____ day of _____ at the hour of _____, I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one (*or as the case may be*) having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God Save the King.

Given under my hand at _____, this _____ day of _____, in the year 19____.

A.B.,
Returning Officer.

FORM 31.

[Section 108 (1).]

COMMISSION OF ELECTION CLERK.

To *E.F.* (set forth his residence and occupation).

In my capacity of returning officer for the Electoral Division of _____ I hereby appoint you to be my election clerk to act in that capacity at the approaching election for the said electoral division which election will be opened by me on the _____ day of _____ 19 _____, (the date to be inserted here is the day of nomination).

Given under my hand this _____ day of _____ 19 _____.

A.B.,
Returning Officer

FORM 32.

(Section 109.)

OATH OF ELECTION CLERK.

I, *E.F.*, appointed election clerk for the Electoral Division of _____, swear (or solemnly affirm) that I am legally qualified to act as election clerk and that I will act faithfully in that capacity and also in that of returning officer if required to act in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at
the _____ of _____ in the Province
of Saskatchewan this
day of _____, 19 _____.
_____ *A.B.*,
A Commissioner, etc.
(or as the case may be).

E.F.,
Election Clerk.

FORM 33.

(Section 121.)

NOMINATION PAPER.

We, the undersigned voters of the Electoral Division of _____ hereby nominate (name, residence and occupation of the person nominated and present location if absent from the electoral division) as a candidate at the

election now about to be held of a member to represent the said electoral division in the Legislative Assembly of Saskatchewan. (*If the person nominated is absent from the electoral division it must be stated here.*)

Witness our hands this day of 19
(*Signature with residence and occupation.*)

Signed by the above subscribing voters before me

A.B.,

*Justice of the Peace, Commissioner for
Oaths, Notary Public or Returning
Officer, as the case may be*

I, the said C.D., nominated in the foregoing nomination paper hereby consent to such nomination. My address for service is (*here insert the address for service in accordance with the requirement of subsection (2) of section 121 of The Saskatchewan Election Act*).

Signed in the presence of

*Name of witness to candidate's }
signature. E.F. } Name of candidate.*

FORM 34.

(*Section 127.*)

WITHDRAWAL OF CANDIDATE.

Electoral Division of

I, , a candidate nominated for the above electoral division hereby withdraw.

Dated at this day of 19
.....
Name of Candidate.

FORM 35.

(*Section 129.*)

ELECTION NOTICE.

NOTICE OF POLL BEING GRANTED AND OF CANDIDATES
NOMINATED.

Electoral Division of , to wit:

Public notice is hereby given to the voters of the electoral division aforesaid that a poll has been demanded at the

election now pending for the said electoral division and that I have granted such poll; and further that the persons duly nominated as candidates at the said election and for whom only votes will be received are:

1. John Doe (*here insert place of residence and occupation*);

2. Richard Roe (*here insert place of residence and occupation*);

3. Geoffrey Stiles (*here insert place of residence and occupation*);

4. John Stiles (*here insert place of residence and occupation*);

(*as in the nomination paper*).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at _____ this
day of _____, in the year 19 _____.

A.B.,
Returning Officer.

FORM 36.

(Section 130.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G.H. (*insert his residence and occupation*).

In my capacity of returning officer for the Electoral Division of _____ I hereby appoint you

to be deputy returning officer for Polling Place No. _____ of Polling Subdivision No. _____ (*or as the case may be*)

in the said electoral division, there to take the votes of the voters and you are hereby authorised and required to open and hold the poll at the said polling place on the

day of _____ 19 _____, at nine o'clock in the

forenoon, at (*here describe particularly the place in which the poll is to be held*) and there to keep the said poll open during the hours prescribed by law and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor and after counting the votes given to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes,

polling list and other documents required by law, together with this commission.

[illegible]

FORM 37.

(Section 131.)

OATH OF DEPUTY RETURNING OFFICER.

I, *G.H.*, appointed deputy returning officer for Polling Place No. of the

(or as the case may be) of _____ swear (or solemnly affirm) that I am legally qualified to act as deputy returning officer and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me
at the of in the Pro-
vince of Saskatchewan this
day of 19 .
.....
A Commissioner, etc.
(or as the case may be).

FORM 38.

[Section 135 (8).]

AFFIDAVIT OF PRINTER.

Electoral Division of

I _____, swear (or solemnly affirm).

1. That by direction of the returning officer for the above named electoral division I printed the ballot papers for use at the election to be held on the _____ day of 19____, (*insert date of polling*) on the paper furnished by him for that purpose.

2. That the annexed form shows the description of the ballot papers printed by me as aforesaid.

3. That I supplied the returning officer with
of such ballot papers.

4. That no other of such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at the
of in the Province of
Saskatchewan this day of
19 .
.....
*A Commissioner, etc.,
(or as the case may be).*

FORM 39.

[Section 135 (2).]

FORM OF BALLOT PAPER.

Front.

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper and all black lines be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1 WM. R. BROWN
of Township Range West of Meridian,
Farmer.

2 FRANK HAMON
of the City of Regina, Barrister.

3 JOSEPH O'NEIL
of the City of Regina, Gentleman.

4 JOHN R. SMITH
of the City of Regina, Merchant.

FORM 39—(*Continued*).*Form of Ballot Paper.**Back.***No. 325**
-----**No. 325****POLL BOOK No.**-----
-----D. R. O.
INITIALS

R. O. STAMP

**FORM 40.***(Section 137.)***DIRECTIONS FOR THE GUIDANCE OF VOTERS.**

The voter is to vote for only one candidate unless more than one member is to be elected for the electoral division in which case he may vote for as many candidates as are to be elected.

The voter shall go into one of the compartments and with the black lead pencil provided place a cross within the white space containing the name of the candidate or within the white spaces containing the names of the candidates for whom he votes, thus **X**

The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer who shall in full view of those present including the voter remove the

counterfoil, destroy the same and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires he may return it to the deputy returning officer who will give him another.

If the voter votes for more candidates than he is entitled to vote for or places any mark on the ballot paper by which he can be identified his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given him by the deputy returning officer he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith and the voter has marked his ballot paper in favour of John R. Smith and the counterfoil has been detached.



1 WM. R. BROWN
of Township Range West of Meridian,
Farmer.



2 JOSEPH O'NEIL
of the City of Regina, Barister.



3 FRANK HAMON
of the City of Regina, Gentleman.



4 JOHN R. SMITH
of the City of Regina, Merchant.

X



FORM 41.

(Sections 138 and 141.)

COMMISSION OF POLL CLERK.

To *I.J.* (insert his residence and occupation).

In my capacity of deputy returning officer for the Polling Place No. _____ of Polling Subdivision No. _____ (or as the case may be) in the Electoral Division of _____ I hereby appoint you to be poll clerk for the said polling place.

Given under my hand _____, this
day of _____, 19 ____.

G.H.,
Deputy Returning Officer.

FORM 42.

[Section 188 (1).]

OATH OF POLL CLERK.

I, *I.J.*, appointed poll clerk for Polling Place No. _____, of the Polling Subdivision No. _____ (or as the case may be) in the Electoral Division of _____ swear (or solemnly affirm) that I am legally qualified to act as poll clerk and that I will act faithfully in that capacity and also in that of deputy returning officer if required to act in that capacity according to law without partiality, fear favour or affection. So help me God.

Sworn (or affirmed) before me at
the _____ of _____ in the Province
of Saskatchewan this _____ day } *I.J.*,
of _____ 19 ____ } *Poll Clerk.*
.....
A Commissioner, etc.
(or as the case may be).

FORM 43.

[Section 146 (2).]

OATH BY DEPUTY RETURNING OFFICER, POLL CLERK OR
AGENT WISHING TO VOTE.

I, C.D., of etc., _____, deputy returning officer
(or poll clerk or agent for *E.H.*, one of the candidates at the

election for the Legislative Assembly of Saskatchewan) do swear (or solemnly affirm) that I am actually entitled to vote for a member of the said Legislative Assembly for this electoral division at the present election.

That I have not voted before at this election either at this or any other polling place.

That I have not received anything nor has anything been promised me directly or indirectly either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other services connected therewith.

That I have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

J.H.

Sworn (or affirmed) before me at
in the Province of Saskat-
chewan this day of
A.D. 19 .

A.B.,

Returning Officer (or Justice of the Peace
or as the case may be).

FORM 44.

(Section 151.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER AT ELECTIONS.

You swear (a)

1. That you are the person named or intended to be named by the name of on the list of voters now shown to you (or, where the voter votes on a certificate under section 145, that you are the person named in the certificate now shown to you).

2. That you are of the full age of twenty-one years and are a male British subject by birth or naturalisation and are not a citizen or a subject of any foreign country.

3. That you have resided within Saskatchewan for the year next preceding the (b) day of 19 .

4. That you were on the said date and for three months next preceding the same in good faith a resident of and had your fixed habitation in the Electoral Division of [or, in case the voter has not been a resident of such Elec-

toral division for three months immediately prior to the above date (as provided by subsection 2 of section 12 of The Saskatchewan Election Act)] substitute the following: "That you were during three months of the year referred to in the next preceding paragraph in good faith a resident of and had your fixed habitation in the Electoral Division of (here insert name of electoral division within which the applicant seeks to vote)."

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election at this or at any other polling place.

7. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

Or at the Option of the Voter in lieu of Paragraph 7.

[7. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Saskatchewan Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Saskatchewan Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) Insert here the day of the closing of registration on which list of voters is based.

FORM 45.

[Section 158 (2).]

FORM OF OATH OF INABILITY TO READ.

I, *A.B.*, of _____ swear (or solemnly affirm) that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, as the case may be.)

Sworn (or affirmed) before me at _____
 in the Province of Saskat-
 chewan this _____ day of _____,
 19 ____
 having first been read over to the
 above named *A.B.* and signed by
 him in my presence with his mark.

A.B. (His X mark).

.....
Deputy Returning Officer.

FORM 46.

[Section 173 (1).]

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling place _____ Polling Subdivision No. _____
 Electoral Division of _____

Number of ballot papers received from the returning officer	_____
Number of ballots cast for	_____	_____
“ “ “	_____	_____
“ “ “	_____	_____
“ “ “	_____	_____
“ “ “	_____	_____
“ “ “	_____	_____
Number of ballot papers declined	_____	_____
Number of ballot papers taken from polling place	_____	_____
Number of ballot papers cancelled	_____	_____
Number of ballots rejected	_____	_____
Number of ballot papers not used and returned	_____	_____
Totals	_____	_____

We hereby certify that the above statement is correct.

Dated at _____, 19 .

A.B.,

Deputy Returning Officer.

.....

Poll Clerk.

(Candidates or agents may also sign.)

FORM 47.

[Section 173 (3).]

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, deputy returning officer for Polling Place _____ in Polling Subdivision No. _____ of _____ in the Electoral Division of _____, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly of Saskatchewan the herein-after mentioned candidates received the number of ballots set opposite their respective names, viz:

NAMES OF CANDIDATES	NUMBER OF BALLOTS

and also that _____ ballot papers were rejected.
 Dated at _____ this _____ day
 of _____ 19 .

G.H.,

Deputy Returning Officer.

FORM 48.

[Section 176 (2).]

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, _____, deputy returning officer for Polling Place
 No. _____, of the Electoral Division of _____, swear

(or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is , and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law and that the statement, polling list, poll book, envelopes containing ballot papers and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the returning officer, which was locked and sealed by me in accordance with the provisions of *The Saskatchewan Election Act* and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at
in the Province of Saskat-
chewan this day of } *G.H.,*
19 . } *Deputy Returning Officer*
.....
A Commissioner, etc.
(or as the case may be).

FORM 49.

(Section 175.)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I, , poll clerk for Polling
Place in Polling Subdivision No. of the
Electoral Division of , swear (or solemnly
affirm) that the poll book for the said polling place kept
under the direction of *G.H.*, who acted as deputy returning
officer has been kept by me correctly to the best of my skill
and judgment; that the total number of votes polled according
to the said poll book is ; and that to the best of
my knowledge and belief it contains a true and exact record
of the voters who voted at the said polling place.

Sworn (or affirmed) before me at
in the Province of Saskat-
chewan this day of } *I.J.,*
19 . } *Poll Clerk.*
.....
A Commissioner, etc.
(or as the case may be).

FORM 50.

(Section 176.)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY
RETURNING OFFICER IS UNABLE TO DELIVER THE
BALLOT BOX TO THE RETURNING OFFICER.

I, _____, swear (or affirm) that I am the
person to whom _____ deputy returning officer for
Polling Place No. _____ of the _____ of
in the Electoral Division of _____ entrusted
the ballot box for the said polling place to be delivered to
the returning officer; that the ballot box
which I delivered to the returning officer this day is the
ballot box I so received; that I have not opened it and that
it has not been opened by any other person since I received
it from the deputy returning officer. So help me God.

Sworn (or affirmed) before me at
in the Province of Saskat-
chewan this _____ day of
19 .

A.B.,
Returning Officer.

FORM 52.

[Section 202 (4).]

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER
TRANSMITTING HIS RETURN TO THE CLERK OF
THE EXECUTIVE COUNCIL.

I, _____, returning officer for the Electoral
Division of _____ swear (or affirm).

1. That of the packets received by me as such returning officer from the deputy returning officers in respect of the recent election for the said electoral division I have not opened or permitted to be opened any of the envelopes containing the ballot papers.

2. That I have not opened or permitted to be opened any of the packets so received except those authorised and directed to be opened by a returning officer under *The Saskatchewan Election Act*.

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers (or in case of a recount add, except by the judge of the District Court on a recount).

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the clerk of the Executive Council my return in respect of the said election. So help me God.

Sworn (or affirmed) before me at
in the Province of Saskat-
chewan this _____ day of
19 _____
.....
A Commissioner, etc.
(or as the case may be).

FORM 53.

(Section 219.)

OATH OF SECRECY.

Electoral Division of
Polling Place No. _____

I, _____, swear (or solemnly affirm)

1. That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or shall have voted at this election save and except as may be necessary and

proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Saskatchewan Election Act*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (or affirmed before me at
in the Province of Saskat-
chewan this day of
19 .
.....
A Commissioner, etc.
(or as the case may be).

FORM 54.

(Section 272.)

I, the undersigned, *I.J.*, appointed enumerator for Polling Subdivision No. (or as the case may be) of the Electoral Division of in the Province of Saskatchewan, do solemnly swear (or being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of enumerator without partiality, fear, favour or affection. So help me God.

I.J.,
Enumerator.

FORM 55.

(Sections 273 and 276.)

LIST OF VOTERS.

Electoral Division of
Polling Subdivision No.
(or as the case may be)

No.	Name	Occupation or Addition	Residence	Remarks

I certify that the foregoing is a true copy of the voters' list in Polling Subdivision No. (or as the case may be) of the Electoral Division of as prepared by me for use in the election of a member (or members as the case may be) of the Legislative Assembly of Saskatchewan for the said electoral division now pending.

I.J.,

Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

I, certify that the foregoing is a corrected list of the voters in Polling Subdivision No. (or as the case may be) of the Electoral Division of as revised (or, if no correction is made as finally approved) by me this day of 19 .

I.J.,

Enumerator.

FORM 56.

(Sections 280, 281 and 282.)

1. You do swear that you are of the male sex and a British subject, that you are not an Indian or a person of the Chinese race, that you are of the full age of twenty-one years, and that you have resided in the Province of Saskatchewan for at least one year and in this electoral division for at least three months immediately preceding the day of (here insert the date of the issue of the writ of election).

2. That you are entitled to vote at this election at this polling place.

3. That you have not voted before at this election at this or any other polling place.

4. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

Or at the option of the voter in lieu of paragraph 4.

5. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been bona fide earned by you and may be lawfully paid to you

under *The Saskatchewan Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Saskatchewan Election Act* and notwithstanding the receipt or expectation of which you are entitled by law to vote.

6. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

✓
1908

CHAPTER 3.

An Act respecting the Electoral Division of Athabasca.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short
title

1. This Act may be cited as "*The Athabasca Election Act.*"

To be read
with The
Saskat-
chewan
Election Act

2. This Act shall in so far as it may be necessary to enable the same to be carried into effect be read with and as part of *The Saskatchewan Election Act* where the latter is not inconsistent with or inapplicable to the provisions of this Act, and all the provisions of the latter Act respecting corrupt practices at elections shall apply to elections in the Electoral Division of Athabasca.

Writ

3. Where an election is to be held of a member to represent the electoral division of Athabasca as defined in schedule 1 of *The Legislative Assembly Act* the Lieutenant Governor in Council shall cause a writ to be issued by the clerk of the Executive Council in such form and addressed to such returning officer as he thinks fit.

QUALIFICATION OF VOTERS.

Qualifica-
tion of
voters

4. Except as otherwise provided in *The Saskatchewan Election Act* every male person shall be qualified to vote at the election of a member under this Act who is a British subject of the full age of twenty-one years and has resided in Saskatchewan for at least twelve months and in the electoral division of Athabasca for at least three months next preceding the date of the issue of the writ of the election.

QUALIFICATION OF CANDIDATE.

Qualifica-
tion of
candidate

5. Any male person of the full age of twenty-one years and a British subject by birth or naturalisation resident in Saskatchewan who is not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate.

6. On receiving the writ of election the returning officer shall forthwith indorse the date of its receipt by him.

Procedure
on receipt
of writ

7. The returning officer shall forthwith thereafter appoint under his hand an election clerk and may at any time during the election appoint another election clerk in case the one so appointed proves to be disqualified or refuses or neglects or is unable to perform his duties.

Appointment
of election
clerk

8. The election clerk shall assist the returning officer in the performance of his duties and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another shall act in his stead as returning officer.

Duties of
election
clerk

9. In no case shall the returning officer or his election clerk vote at an election except in the case hereinafter provided.

Returning
officer and
election
clerk not to
vote except
as herein-
after
provided

10. Not less than three weeks before the date fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position at or near the missions and the posts of the Hudson's Bay Company and the Revillon Brothers Company, if any, and at two other conspicuous positions at the following places, viz.: Montreal lake, Meadow lake, Green lake, Ile La Crosse, La Loche, Stanley, Lac La Ronge, Cumberland House, Pelican Narrows, and at the junction of the Sturgeon and North Saskatchewan rivers, all within the electoral division of Athabasca a proclamation which shall set forth the place and day named in the writ for the nomination and shall be in the following form;

Proclama-
tion

PROCLAMATION.

Electoral Division of Athabasca,

To wit:

Public notice is hereby given to the voters of the electoral division aforesaid that in obedience to the writ issued and to me addressed by order of His Honour the Lieutenant Governor in Council of the Province of Saskatchewan and bearing the date of day of 19 I require the presence of the said voters at (*here state the place or building in which the nomination is to be held*) in the city of Prince Albert in the Province of Saskatchewan on (*here insert day of week as well as date*) from noon until two of the clock in the afternoon of the said day for the purpose of nominating a person to represent them in the Legislative Assembly of Saskatchewan; and that in case a poll becomes necessary such poll will be open on the day of and during the time prescribed by law at the following places:

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at _____ in the
Province of Saskatchewan this _____ day of 19 .

(Signature) A.B.,

Returning Officer.

Unforeseen
delays

11. If from unforeseen delays, accidents or otherwise the proclamation cannot be posted up so as to leave the required time between the posting up and the nomination day appointed by the Lieutenant Governor in Council or in case of the death of any candidate after the time fixed for the receiving nominations has elapsed before the closing of the polls the returning officer may fix another day for the nomination of candidates such day being not later than is necessary to allow three weeks between the posting up of the proclamation and the day named therein for the nomination; and in every such case the returning officer shall with his return make to the clerk of the Executive Council a special report of the causes which may have occasioned the postponement of the election.

NOMINATIONS AND WITHDRAWALS.

Nominations
and with-
drawals

12. At any time after the date of the proclamation and before two o'clock in the afternoon of nomination day, any two or more voters may nominate a candidate by signing before a justice of the peace, a commissioner for oaths, notary public or before the returning officer and causing to be filed with the returning officer a nomination paper in the following form; and any vote given at the election for any person other than a candidate shall be null and void:

NOMINATION PAPER.

We, the undersigned voters of the electoral division of Athabasca, hereby nominate (*here insert name, residence and condition of the person nominated sufficiently to establish his identity*) as a candidate at the election now about to be held of a member to represent the said electoral division in the Legislative Assembly of Saskatchewan; and we hereby affirm that the said (*name the candidate*) is duly qualified to be nominated as a candidate at the said election and that he has consented (*or in case of his absence from the division, we fully believe that he will consent*) to this nomination.

Witness our hands this _____ day of 190 .

(Signatures or marks of the voters with the residence and occupation of each.)

Signed by the above subscribed voters before me.

(Signature) A.B.,

*Justice of the Peace, Commissioner
for Oaths, Notary Public or
Returning Officer, as the case may
be.*

(2) Every such nomination paper shall be accompanied by ^{Deposit} a deposit of \$100 which may be paid in gold coin, in Dominion of Canada notes, in the bills of any chartered bank doing business in Canada or by a cheque drawn upon and accepted by the said bank or partly in one and partly in another of the said descriptions of money.

(3) In the event of the said candidate withdrawing after ^{Withdrawal of candidate} nomination or not receiving a number of votes at least equal to one half the number of votes polled in favour of the candidate elected the said deposit shall after the final count be transmitted by the returning officer to the clerk of the Executive Council and be by him deposited to the credit of the general revenue fund of the province; otherwise the said deposit shall be returned to the candidate.

13. The returning officer on receiving any nomination ^{Indorsement by returning officer} paper fulfilling the essential conditions hereinbefore specified shall indorse thereon the date and the hour at which it was received by him; and if any paper purporting to be a nomination paper be placed in his hands which he regards as informal he shall immediately return it to the person delivering the same and state to him the informality.

14. Any candidate nominated may withdraw at any time ^{Withdrawal of candidate} after his nomination and before the closing of the poll on polling day by filing with the returning officer a declaration in writing to that effect, signed by himself in the presence of the returning officer or a justice of the peace or a commissioner for oaths or a notary public; and any votes cast for the candidate who shall have so withdrawn shall be null and void.

15. If at the expiration of the time fixed for the nomination only one candidate has been nominated or if then or before the closing of the poll by the withdrawal of any other ^{Procedure where only one candidate nominated} person or persons nominated only one candidate remains in nomination the returning officer shall forthwith make his return to the clerk of the Executive Council that such candidate has been elected, of which return he shall send without delay a certified copy to the person elected; and such return shall be in the following form:

I hereby certify that the member elected for the electoral division of Athabasca in pursuance of the annexed writ is
(as in the nomination paper), no

other candidate having been nominated (*or, the other candidate or candidates having withdrawn, as the case may be*).

(Signature) A.B.,
Returning Officer.

Returning
officer's
return

16. The returning officer shall accompany his return to the clerk of the Executive Council with a report of his proceedings.

Procedure
where
more than
one
candidate in
nomination

17. If at the close of the time fixed for receiving nominations there remain more than one candidate in nomination the returning officer shall grant a poll for taking the votes of the voters.

PROCEEDINGS AFTER NOMINATION.

Certified
list of
candidates

18. As soon as the time for receiving nominations has elapsed or at any time thereafter the returning officer if required shall deliver free to every candidate or to the person who files the nomination paper on his behalf a certified list of the candidates nominated.

Polling
places

19. The returning officer shall select a suitable polling place at or near each of the places named in section 10 of this Act.

Poll

20. Whenever a poll has been granted it shall be held on the same day of the week as the nomination in the fourth week thereafter and shall be open at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the said day; and the votes at the several polling places shall be given between the said hours of that day and by open voting.

(2) A poll shall be held at each of the places mentioned in section 10 hereof in a suitable and conveniently situated building to be described in the election notice.

Election
notice

21. Immediately after having granted a poll and at least one week before the polling day the returning officer shall cause to be posted up at all places where the proclamation for the election was posted up an election notice in the following form:

ELECTION NOTICE.

Electoral Division of Athabasca,
To wit:

Public notice is hereby given to the voters of the electoral division aforesaid that a poll has been granted for the election now about to be held of a member to represent the said electoral division in the Legislative Assembly of Saskatchewan and that such poll will be open on (*here insert day of the week*)

the _____ day of _____ 19 _____,
from the hour of nine in the morning till five of the
clock in the afternoon at each of the following polling places,
that is to say: *(here insert the description of the polling
places)*;

Further that the persons duly nominated and for whom only votes will be received are:

1. (Insert the name and additions of each candidate as given in the nomination paper.)

2.

3.

And further that unless the election is otherwise terminated before the time above named for closing the poll I shall on the _____ day of _____ at (*here insert the name of the building*) in the City of Prince Albert in the Province of Saskatchewan, open the poll books, sum up the votes given for the several candidates and return as elected the one having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at _____ in the Province
of Saskatchewan this _____ day of _____ 19 ____ .
(Signature) _____ A.B.,
Returning Officer.

22. It shall be the duty of the returning officer to cause Information to be posted up with the election notice a notice in the ^{to voters} following form:

INFORMATION TO VOTERS.

The following is the qualification of voters as prescribed by *The Athabasca Election Act* (here insert section 4 of this Act and sections 11 and 13 of *The Saskatchewan Election Act*). (Here insert qualification.)

Each voter may vote at only one polling place and for one candidate only.

Any voter wishing to record his vote shall in his turn while the poll is open go up to the deputy returning officer, give his full name, occupation and place of residence, state for which candidate he votes and answer such questions and take such oaths as the deputy returning officer may lawfully put to him.

Every voter after having voted shall go away quietly from the polling place.

(Signature) A.B.,
Returning Officer.

Dated

19 .

Polling
places

23. It shall be the duty of the returning officer to secure at each polling place a room, building or other convenient place for the officers employed at the poll with a window or door opening to the outside and in winter if possible two rooms, one for the officers and the other for the voters while voting.

DEPUTY RETURNING OFFICERS.

Deputy
returning
officers

24. The returning officer shall under his hand appoint one deputy returning officer for each polling place; but if the returning officer shall see fit to act in the capacity of deputy returning officer for any polling place he may dispense with appointing a deputy for such polling place and may himself perform the duties of deputy returning officer therein.

Forms, etc.,
to be
supplied

25. The returning officer shall furnish each deputy returning officer with a poll book, three copies of the proclamation referred to in section 10 of this Act and five copies of the election notice referred to in section 21 of this Act.

Agents

26. Any person producing to the deputy returning officer at any time a written authority from a candidate to represent him as an agent or a poll clerk at a polling place shall be recognised as such by the deputy returning officer; and if no such agent or poll clerk be nominated, two voters may at the request of such voters be recognised as the agents of such candidate.

Persons
entitled to
be present
at polling
place

27. In addition to the deputy returning officer the poll clerk, a constable or constables, an interpreter or interpreters, each candidate and his agent or in such candidate's absence his two agents and poll clerk and no others shall be permitted to remain in the room or place or that part thereof where the votes are recorded.

Duties of
returning
officer

28. It shall be the duty of the returning officer:

1. To appoint in writing a poll clerk;
2. To post up on polling day before nine o'clock in the morning at least three of the notices referred to in section 22 of this Act (Information to Voters) in conspicuous places near the polling place;
3. To see that the poll clerk is put in possession of the poll book in time for polling;
4. To open the poll on polling day at nine o'clock in the morning and to keep it open until five o'clock in the afternoon of the same day;

5. To receive the votes of voters and see that they are correctly recorded by the poll clerk and to ask all questions relating to the qualification of voters required by any candidate or his agent;

6. To administer the oath hereinafter mentioned to every voter;

7. When the poll is declared by him to be closed, immediately to sum up with the poll clerk the votes received by each candidate and to sign on the poll book with the poll clerk the certificate hereinafter mentioned;

8. When the said certificate is signed to seal up the poll book and to forward it to the returning officer as he may direct.

OATHS TO BE TAKEN BY VOTERS.

29. Every deputy returning officer shall administer to any voter the following oath: Oaths to be taken by voters

You swear:

1. That you are a male of the full age of twenty-one years and are a British subject by birth or naturalization, that you are not an Indian or a Chinaman and are not a citizen of any foreign country;

2. That you are in good faith a resident of and have had your fixed habitation in the Electoral Division of Athabasca for the three months next preceding the date of the issue of the writ for this election;

3. That you have resided within the Province of Saskatchewan for the twelve months next preceding the date of the issue of the said writ for this election;

4. That you have not received any money or other reward nor have you accepted any promise made to you directly or indirectly to induce you to vote at this election and that you have not before voted at this election either at this or any other polling place. So. help you God.

30. Every person who refuses to take the said oath shall not be permitted to vote; and if his name has been entered in the poll book it shall be struck out and the words "refused to be sworn" written thereafter. Penalty for refusing to swear

31. Whenever the deputy returning officer may not understand the language of a voter claiming to vote he shall have power to swear an interpreter to be the means of communicating between himself and such a voter with reference to all matters required to enable such voter to vote. Interpreter

36. A duplicate copy of the foregoing shall be made out ^{Duplicate certificate to be made} and signed in the same manner on a separate sheet of paper which duplicate copy shall be kept by the deputy returning officer after he has forwarded the poll book to the returning officer; and if by any means the poll book should be lost or destroyed he shall deliver the said duplicate certificate to the returning officer.

37. Every poll clerk on being requested so to do by any ^{Copy to be given to} candidate or his agent shall deliver free of charge to such candidate or agent a copy of the certificate made by the deputy returning officer and himself at the close of the poll.

FINAL SUMMING UP OF VOTES.

38. The returning officer shall in the city of Prince Albert ^{Final summing up of votes} in the province of Saskatchewan at the hour of ten o'clock in the forenoon on the day and at the place appointed by his election notice and after having received all the poll books proceed to open them in the presence of the election clerk, the candidates or their representatives if present and to add together the number of votes given for each candidate from the poll books of the several polling places returned by the deputy returning officers; but if all poll books are not received on the day named in the election notice he may adjourn the final summing up of the votes until every poll book or in the ^{Final summing up of votes} absence of any poll book the duplicate certificate of the deputy returning officer and the poll clerk in respect thereof has been received.

(2) The day to be fixed for the final summing up of votes under the provisions of this section shall be the same day of the week as the polling day in the fourth week thereafter.

39. The candidate who shall on the final summing up of ^{Declaration of election} the votes be found to have a majority of votes shall be then declared elected.

40. When on the final addition of votes by the returning ^{Casting vote} officer an equality of votes is found to exist between any of the candidates and the addition of a vote would entitle any of such candidates to be declared elected the returning officer shall give such additional or casting vote.

41. The returning officer after such verification shall forth- ^{Return} with transmit his return to the clerk of the Executive Council and such return shall be in the form following:

I hereby certify that the member elected for the electoral division of Athabasca in pursuance of the within writ as

having the majority of votes lawfully given is (*name as in nomination paper*).

Dated at in the
Province of Saskatchewan this day of 19 .

(Signature) A.B.,
Returning Officer.

Copy to
clerk of the
Executive
Council

42. The returning officer shall forward to each of the respective candidates a copy of his return to the clerk of the Executive Council.

Report

43. The returning officer shall accompany his return to the clerk of the Executive Council with a report of his proceedings including the numbers shown in his final summing up of the votes; he shall also forward to the clerk of the Executive Council all the poll books of the several polling places.

GENERAL PROVISIONS.

Stationery,
etc.

44. It shall be the duty of the clerk of the Executive Council to transmit with the writ of election to the returning officer blank poll books or forms for the same as may be prescribed by the Lieutenant Governor in Council.

Posting
notices

45. The proclamation and other notices required by this Act to be posted up at any election may be either printed or written or partly printed and partly written.

Lieutenant
Governor
in Council
may make
regulations

46. The Lieutenant Governor in Council may make such rules and regulations as he may deem necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

Lieutenant
Governor
in Council
may vary,
etc., forms

47. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

1908 ✓

CHAPTER 4.

An Act to amend The Legislative Assembly Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. *The Legislative Assembly Act* is amended by striking out the words "electoral district" wherever they occur therein and substituting therefor the words "electoral division." 1908, c. 4 amended
2. Section 3 of the said Act is hereby amended by striking out the words "twenty-five" in the first line thereof and by substituting therefor the words "forty-one." Section 3 amended
3. Section 4 of the said Act is hereby amended by striking out the word "four" where it occurs therein and substituting therefor the word "five." Section 4 amended
4. Schedule 1 to the said Act is hereby repealed and the schedule at the end of this Act substituted therefor: Schedule 1 repealed; new schedule 1
5. This Act shall take effect only upon the dissolution of the present Legislative Assembly. Commencement of Act

SCHEDULE 1.

(Section 3.).

1. The province of Saskatchewan shall be divided into forty-one electoral divisions which shall comprise and consist of the parts and portions of the province hereinafter described.

2. In the following descriptions where "meridians between ranges" and "boundaries of townships" or "boundaries of sections" are referred to as the boundaries of electoral divisions these expressions mean the meridians, boundaries of townships or boundaries of sections, as the case may be, in accordance with the Dominion land system of surveys and include the extensions thereof in accordance with the said system.

3. Wherever a dividing line between two ranges is mentioned as the boundary of a division the expression shall mean the surveyed line on the east boundary of the westerly range and the extension of such line southerly to intersect the north boundary of each township which lies to the south of a correction line and thence easterly along the north boundary of such township to the east boundary thereof.

4. Wherever the left bank of any stream or lake is mentioned as the boundary of a division the expression shall mean the bank of such stream or lake on the left side of a person going in the direction in which the water flows.

NAMES AND DESCRIPTIONS OF VOTERS.

Souris

(1) The electoral division of Souris bounded as follows:

Commencing at the intersection of the international boundary with the eastern boundary of Saskatchewan; thence north and following the said boundary of the said province to the intersection of the same with the north boundary of the fourth township; thence west and along the north boundary of the fourth townships to the intersection of the same with the second meridian; thence north and following the said second meridian to the intersection of the same with the north boundary of the fifth township; thence west and following the north boundary of the fifth townships to the intersection of the same with the dividing line between the fourth and fifth ranges west of the second meridian; thence south and following the said dividing line between the fourth and fifth ranges west of the second meridian to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement.

Cannington

(2) The electoral division of Cannington bounded as follows:

Commencing at the intersection of the north boundary of the fourth township with the eastern boundary of Saskatchewan; thence north and following the said eastern boundary to the intersection of the same with the north boundary of the eighth township; thence west along the north boundary of the eighth townships to the intersection of the same with the second meridian; thence north and following the said second meridian to the intersection of the same with the north boundary of the ninth township in the first range west of the second meridian; thence west and following the north boundary of the ninth townships to the intersection of the same with the dividing line between the seventh and eighth ranges; thence south and following the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the fifth township;

thence east and following the said north boundary of the fifth townships to the intersection of the same with the second meridian; thence south and following the said second meridian to the intersection of the same with the north boundary of the fourth township in the thirty-fourth range west of the first meridian; thence east and following the north boundary of the said fourth townships to the place of commencement.

(3) The electoral division of Pipestone bounded as follows: **Pipestone**

Commencing at the intersection of the north boundary of the eighth township with the eastern boundary of Saskatchewan; thence north and following the said eastern boundary of the province to the intersection of the same with the north boundary of the eleventh township; thence west and following the north boundary of the eleventh townships to the second meridian; thence north and following the said second meridian to the intersection of the same with the left bank of the Qu'Appelle river in the eighteenth township; thence westerly and north-westerly and following the said left bank of the Qu'Appelle river to the intersection of the same with the east boundary of section twenty-one in the nineteenth township in the seventh range west of the second meridian; thence south and following the east boundary of sections twenty-one, sixteen, nine and four in the said nineteenth township and the east boundary of sections nine and four in townships nineteen A and the east boundary of sections thirty-three, twenty-eight, twenty-one, sixteen, nine and four in the eighteenth, seventeenth, sixteenth and fifteenth townships throughout all in the said seventh range and continuing south following the east boundary of said section four produced to intersect the north boundary of the fourteenth township; thence east and following the north boundary of the fourteenth townships to the north-east corner of section thirty-three in the fourteenth township in the fifth range; thence south and following the east boundary of section thirty-three, twenty-eight, twenty-one, sixteen, nine and four of the said fourteenth township to the intersection of the same with the north boundary of the thirteenth township; thence east and following the north boundary of the thirteenth townships to the intersection of the same with the dividing line between the third and fourth ranges west of the second meridian; thence south and following the said dividing line between the third and fourth ranges to the intersection of the same with the north boundary of the ninth township; thence east and following the north boundary of the ninth townships to the intersection of the same with the second meridian; thence south and following the said second meridian to the intersection of the same with the north boundary of the eighth township in the thirty-fourth range west of the first meridian; thence east and following the north boundary of the eighth townships to the place of commencement.

Moosomin

(4) The electoral division of Moosomin bounded as follows:

Commencing at the intersection of the north boundary of the eleventh township and the eastern boundary of Saskatchewan; thence north and following the said eastern boundary of the province to the intersection of the same with the north boundary of the nineteenth township; thence west and following the north boundary of the nineteenth townships to the intersection of the same with the second meridian; thence south and following the said second meridian to the north boundary of the eleventh township in the thirty-third range west of the principal meridian; thence east and following the north boundary of the eleventh townships to the place of commencement.

Moose Mountain

(5) The electoral division of Moose Mountain bounded as follows:

Commencing at the intersection of the north boundary of the ninth township with the dividing line between the third and fourth ranges west of the second meridian; thence north and following the said dividing line between the third and fourth ranges to the intersection of the same with the north boundary of the thirteenth township; thence west and following the north boundary of the thirteenth townships to the north-east corner of section thirty-three in the thirteenth township in the fifth range; thence north and following the east boundary of sections four, nine, sixteen, twenty-one, twenty-eight and thirty-three in the fourteenth township of the said fifth range to the north-east corner of section thirty-three in the said township; thence west and following the north boundary of the fourteenth townships to the southern production of the east boundary of section four in the fifteenth township; thence north and following the east boundary of sections four, nine, sixteen, twenty-one, twenty-eight and thirty-three throughout the fifteenth, sixteenth, seventeenth, eighteenth, nineteen A and the nineteenth townships to the intersection of the same with the left bank of the Qu'Appelle river in section twenty-one in the nineteenth township; thence west and following the said left bank of the Qu'Appelle river to the intersection of the same with the dividing line between the tenth and the eleventh ranges in the eighteenth township; thence south and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the north boundary of the eleventh township; thence east and following the north boundary of the eleventh townships to the intersection of the same with the dividing line between the eighth and ninth ranges; thence south and following the said dividing line between the eighth and ninth ranges to the intersection of the same with the north boundary of the tenth township; thence east and following the

north boundary of the tenth township to the intersection of the same with the dividing line between the seventh and eighth ranges; thence south and following the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the ninth township; thence east and following the north boundary of the ninth townships to the place of commencement.

(6) The electoral division of Pheasant Hills bounded as ^{Pheasant Hills} follows:

Commencing at a point on the second meridian being the intersection of the same with the left bank of the Qu'Appelle river in the eighteenth township; thence north and following the said second meridian to the intersection of the same with the north boundary of the twenty-first township; thence west and following the north boundary of the twenty-first townships to the intersection of the same with the dividing line between the second and third ranges west of the second meridian; thence north and following the said dividing line between the second and third ranges to the intersection of the same with the north boundary of the twenty-second township; thence west and following the north boundary of the twenty-second townships to the intersection of the same with the dividing line between the eighth and ninth ranges; thence south and following the said dividing line between the eighth and ninth ranges to the intersection of the same with the left bank of the Qu'Appelle river in the eighteenth township; thence north-easterly, south-easterly and easterly and following the said left bank of the Qu'Appelle river to the place of commencement.

(7) The electoral division of North Qu'Appelle bounded as ^{North Qu'Appelle} follows:

Commencing at a point on the dividing line between the eighth and ninth ranges west of the second meridian, the said point being the intersection of the same with the left bank of the Qu'Appelle river in the eighteenth township; thence north and following the said dividing line between the eighth and ninth ranges to the north boundary of the twenty-third township; thence west and following the north boundary of the twenty-third townships to the dividing line between the twelfth and thirteenth ranges; thence north and following the dividing line between the said twelfth and thirteenth ranges to the north boundary of the twenty-fourth township; thence west and following the north boundary of the twenty-fourth townships to the intersection of the same with the dividing line between the seventeenth and eighteenth ranges west of the second meridian; thence south and following the said dividing line between the seventeenth and eighteenth ranges to the intersection of the same with the left bank of the Qu'Appelle river in the twenty-first township; thence

easterly and south-easterly and following the said left bank of the Qu'Appelle river to the place of commencement; excepting thereout and therefrom any part of the area comprised within the village of Fort Qu'Appelle which may lie north of the Qu'Appelle river.

South
Qu'Appelle

(8) The electoral division of South Qu'Appelle bounded as follows:

Commencing at the intersection of the north boundary of the fifteenth township with the dividing line between the tenth and eleventh ranges west of the second meridian; thence north and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the left bank of the Qu'Appelle river; thence north-westerly and westerly and following the said left bank of the Qu'Appelle river to the intersection of the same with the dividing line between the sixteenth and seventeenth ranges west of the second meridian; thence south and following the said dividing line between the sixteenth and seventeenth ranges to the intersection of the same with the north boundary of the fifteenth township; thence east and following the north boundary of the fifteenth townships to the place of commencement; and adding thereto any part of the area comprised within the village of Fort Qu'Appelle which may lie north of the Qu'Appelle river.

Regina
County

(9) The electoral division of Regina County bounded as follows:

Commencing at the intersection of the north boundary of the fifteenth township with the dividing line between the sixteenth and seventeenth ranges west of the second meridian; thence north and following the said dividing line between the sixteenth and seventeenth ranges to the intersection of the same with the left bank of the Qu'Appelle river in the twenty-first township; thence westerly and north-westerly following the left bank of the Qu'Appelle river and Last Mountain lake to the intersection of the last named with the dividing line between the twenty-third and twenty-fourth ranges in the twenty-third township; thence south and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the north boundary of the fifteenth township; thence east and following the north boundary of the fifteen townships to the place of commencement; and adding thereto any part of the village of Craven which may lie north of the Qu'Appelle river; and excepting thereout and therefrom the area hereinafter described in this Act as the electoral division of Regina City.

Last
Mountain

(10) The electoral division of Last Mountain bounded as follows:

Commencing at a point in the dividing line between the seventeenth and eighteenth ranges west of the second meridian, said point being the intersection of the same with the left

bank of the Qu'Appelle river in the twenty-first township; thence north and following the said dividing line between the seventeenth and eighteenth ranges and its production northerly across Big Quill lake to the intersection of said production with the easterly production of the thirty-third township; thence west along the said easterly production of the thirty-third township and continuing west along the north boundary of the thirty-third townships to the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian; thence south and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the left bank of Last Mountain lake in the twenty-eighth township; thence north-easterly, south-westerly and south-easterly and following the said left bank of Last Mountain lake to the intersection of the same with the left bank of the Qu'Appelle river; thence north-easterly and easterly and following the said left bank of the Qu'Appelle river to the place of commencement; excepting thereout and therefrom any part of the village of Craven which may lie north of the Qu'Appelle river.

(11) The electoral division of Estevan bounded as follows: **Estevan**

Commencing at a point in the international boundary, being the intersection of the same with the dividing line between the fourth and fifth ranges west of the second meridian; thence north and following the said dividing line between the fourth and fifth ranges to the north boundary of the fifth township; thence west and following the north boundary of the fifth townships to the intersection of the same with the dividing line between the seventh and eighth ranges west of the second meridian; thence north and following the said dividing line between the seventh and eighth ranges to the north boundary of the sixth township; thence west and following the north boundary of the sixth townships to the intersection of the same with the dividing line between the tenth and eleventh ranges; thence south and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the north boundary of the fourth township; thence west and following the north boundary of the fourth townships to the dividing line between the thirteenth and fourteenth ranges; thence south and following the said dividing line between the thirteenth and fourteenth ranges to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement.

(12) The electoral division of Weyburn bounded as **Weyburn** follows:

Commencing at a point in the international boundary being the intersection of the same with the dividing line between

the thirteenth and fourteenth ranges, west of the second meridian; thence north and following the said dividing line between the thirteen and fourteenth ranges to the north boundary of the fourth township; thence east and following the north boundary of the fourth townships to the intersection of the same with the dividing line between the tenth and eleventh ranges west of the second meridian; thence north and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the north boundary of the eighth township; thence west and following the north boundary of the eighth township to the dividing line between the eleventh and twelfth ranges; thence north and following the said dividing line between the eleventh and twelfth ranges to the intersection of the same with the north boundary of the ninth township; thence west and following the north boundary of the ninth townships to the intersection of the same with the dividing line between the thirteenth and fourteenth ranges; thence north and following the said dividing line between the thirteenth and fourteenth ranges to the north boundary of the tenth township; thence west and following the north boundary of the tenth townships to the intersection of the same with the dividing line between the fifteenth and sixteenth ranges; thence south and following the dividing line between the fifteen and sixteenth ranges to the intersection of the same with the north boundary of the seventh township; thence west and following the north boundary of the seventh townships to the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian; thence south and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement.

Francis

(13) The electoral division of Francis bounded as follows:

Commencing at the intersection of the north boundary of the sixth township with the dividing line between the seventh and eighth ranges west of the second meridian; thence north and following the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the tenth township; thence west and following the north boundary of the tenth township to the intersection of the same with the dividing line between the eighth and ninth ranges; thence north and following the said dividing line between the eighth and ninth ranges to the intersection of the same with the north boundary of the eleventh township; thence west and following the north boundary of the eleventh township to the intersection of the same with the dividing line between the tenth and eleventh ranges; thence north and following the said dividing line between the tenth and

eleventh ranges to the intersection of the same with the north boundary of the fifteenth township; thence west and following the north boundary of the fifteenth townships to the intersection of the same with the dividing line between the fifteenth and sixteenth ranges west of the second meridian; thence south and following the said dividing line between the fifteenth and sixteenth ranges to the intersection of the same with the north boundary of the tenth township, thence east and following the north boundary of the tenth townships to the intersection of the same with the dividing line between the thirteenth and fourteenth ranges; thence south and following the said dividing line between the thirteenth and fourteenth ranges to the intersection of the same with the north boundary of the ninth township; thence east and following the north boundary of the ninth townships to the intersection of the same with the dividing line between the eleventh and twelfth ranges; thence south and following the said dividing line between the eleventh and twelfth ranges to the intersection of the same with the north boundary of the eighth township; thence east and following the north boundary of the eighth township to the intersection of the same with the dividing line between the tenth and eleventh ranges; thence south and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the north boundary of the sixth township; thence east and following the north boundary of the sixth townships to the place of commencement.

(14) The electoral division of Milestone, bounded as Milestone follows:

Commencing at the intersection of the north boundary of the seventh township with the dividing line between the fifteenth and sixteenth ranges west of the second meridian; thence north and following the said dividing line between the fifteenth and sixteenth ranges to the north boundary of the fifteenth township; thence west and following the north boundary of the fifteenth townships to the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian; thence south and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the north boundary of the seventh township; thence east and following the north boundary of the seventh townships to the place of commencement.

(15) The electoral division of Moose Jaw County bounded as follows: Moose Jaw
County

Commencing at a point in the international boundary being the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second

meridian; thence north and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the left bank of the Qu'Appelle river; thence north-westerly following the said left bank of the Qu'Appelle river to the intersection of the same with the dividing line between the third and fourth ranges in the twenty-third township west of the third meridian; thence south and following the said dividing line between the third and fourth ranges to the intersection of the same with the north boundary of the twelfth township; thence west and following the north boundary of the twelfth townships to the intersection of the same with the dividing line between the fifth and sixth ranges west of the third meridian; thence south and following the said dividing line between the fifth and sixth ranges to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement; excepting thereout and therefrom the area hereinafter described in this Act as the electoral division of Moose Jaw City.

Arm River (16) The electoral division of Arm River bounded as follows:

Commencing at a point on the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian being the intersection of the same with the left bank of the Qu'Appelle river the said point being in the nineteenth township in the twenty-fourth range; thence north and following the said dividing line between the twenty-third and twenty-fourth ranges to the left bank of Last Mountain lake; thence northerly and following the said left bank of Last Mountain lake to the intersection of the same with the afore-said dividing line between the twenty-third and twenty-fourth ranges; thence north and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the north boundary of the twenty-eighth township; thence west and following the north boundary of the twenty-eighth townships to the intersection of the same with the left bank of the South Saskatchewan river in the eighth range west of the third meridian; thence south-easterly and following the said left bank of the South Saskatchewan river to the production westward of the left bank of Aiktow creek in the twenty-fifth township in the fifth range west of the third meridian; thence continuing south-eastward and following the said left bank of Aiktow creek to the height of land between the same and the Qu'Appelle river; thence continuing south-eastward along the left bank of the said Qu'Appelle river to the place of commencement.

Hanley

(17) The electoral division of Hanley bounded as follows:

Commencing at the intersection of the north boundary of the twenty-eighth township with the dividing line between the

twenty-third and twenty-fourth ranges west of the second meridian; thence north and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the north boundary of the thirty-third township; thence west and following the north boundary of the thirty-third townships to the intersection of the same with the dividing line between the eleventh and twelfth ranges west of the third meridian; thence south and following the said dividing line between the eleventh and twelfth ranges to the intersection of the same with the north boundary of the twenty-sixth township; thence east and following the north boundary of the twenty-sixth townships to the intersection of the same with the left bank of the South Saskatchewan river in the seventh range west of the third meridian; thence north-westerly and following the said left bank of the South Saskatchewan river to the intersection of the same with the north boundary of the twenty-eighth township in the eighth range west of the third meridian; thence east and following the north boundary of the twenty-eighth townships to the place of commencement.

(18) The electoral division of Maple Creek bounded as ^{Maple} _{Creek} follows:

Commencing at a point in the international boundary being the intersection of the same with the dividing line between the fifteenth and sixteenth ranges west of the third meridian; thence north and following the said dividing line to the north boundary of the twenty-sixth township; thence west and following the north boundary of the twenty-sixth townships to the western boundary of Saskatchewan; thence south and following the said western boundary of the province to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement.

(19) The electoral division of Swift Current bounded as ^{Swift} _{Current} follows:

Commencing at a point in the international boundary being the intersection of the same with the dividing line between the fifth and sixth ranges west of the third meridian; thence north and following the said dividing line to the intersection of the same with the north boundary of the twelfth township; thence east and following the north boundary of the twelfth townships to the intersection of the same with the dividing line between the third and fourth ranges west of the third meridian; thence north and following the said dividing line between the third and fourth ranges to the intersection of the same with the left bank of the Qu'Appelle river; thence north-westerly and following the left bank of the said Qu'Appelle river to the height of land between the same and Aiktow creek; thence continuing north-westerly and following the left bank of the

said Aiktow creek and its extension west to intersect the left bank of the South Saskatchewan river; thence continuing northwesterly along the said left bank of the South Saskatchewan river to the intersection of the same with the north boundary of the twenty-sixth township in the seventh range west of the third meridian; thence west and following the north boundary of the twenty-sixth townships to the intersection of the same with the dividing line between the fifteenth and sixteenth ranges west of the third meridian; thence south and following the said dividing line between the fifteenth and sixteenth ranges to the intersection of the same with the international boundary; thence east and following the said international boundary to the place of commencement.

Saltcoats

(20) The electoral division of Saltcoats bounded as follows:

Commencing at the intersection of the north boundary of the nineteenth township with the eastern boundary of Saskatchewan; thence north and following the said eastern boundary of the province to the intersection of the same with the left bank of the Assiniboine river in the twenty-sixth township; thence north-westerly and following the said left bank to the intersection of the same with the north boundary of the twenty-seventh township in the thirty-first range west of the first meridian; thence west and following the north boundary of the twenty-seventh townships to the intersection of the same with the second meridian; thence north and following the said second meridian to the north boundary of the twenty-eighth township; thence west and following the north boundary of the twenty-eighth townships to the intersection of the same with the dividing line between the third and fourth ranges west of the second meridian; thence south and following the said dividing line between the third and fourth ranges to the intersection of the same with the north boundary of the twenty-second township; thence east and following the north boundary of the twenty-second township to the intersection of the same with the dividing line between the second and third ranges; thence south and following the said dividing line between the second and third ranges to the intersection of the same with the north boundary of the twenty-first township; thence east and following the north boundary of the twenty-first townships to the intersection of the same with the second meridian; thence south along the said second meridian to the intersection of the same with the north boundary of the nineteenth township; thence east and following the north boundary of the nineteenth townships to the place of commencement.

Yorkton

(21) The electoral division of Yorkton bounded as follows:
Commencing at the intersection of the north boundary of the twenty-second township with the dividing line between

the third and fourth ranges west of the second meridian; thence north and following the said dividing line between the third and fourth ranges to the north boundary of the twenty-ninth township; thence west and following the north boundary of the twenty-ninth townships to the dividing line between the eighth and ninth ranges; thence south and following the said dividing line between the eighth and ninth ranges to the north boundary of the twenty-second township; thence east and following the north boundary of the twenty-second townships to the place of commencement.

(22) The electoral division of Touchwood bounded as Touchwood follows:

Commencing at the intersection of the north boundary of the twenty-third township with the dividing line between the eighth and ninth ranges west of the second meridian; thence north and following the said dividing line between the eighth and ninth ranges to the intersection of the same with the north boundary of the twenty-ninth township; thence west and following the north boundary of the twenty-ninth townships to the intersection of the same with the dividing line between the sixteenth and seventeenth ranges; thence south and following the dividing line between the sixteenth and seventeenth ranges to the north boundary of the twenty-ninth township in the seventeenth range; thence west and following the north boundary of the twenty-ninth township to the intersection of the same with the dividing line between the seventeenth and eighteenth ranges; thence south and following the said dividing line between the seventeenth and eighteenth ranges to the north boundary of the twenty-fourth township; thence east and following the north boundary of the twenty-fourth townships to the intersection of the same with the dividing line between the twelfth and thirteenth ranges; thence south and following the said dividing line between the twelfth and thirteenth ranges to the intersection of the same with the north boundary of the twenty-third township; thence east and following the north boundary of the twenty-third townships to the place of commencement.

(23) The electoral division of Pelly bounded as follows: Pelly

Commencing at the intersection of the left bank of the Assiniboine river with the eastern boundary of Saskatchewan in the twenty-sixth township; thence north and following the said eastern boundary of the province to the intersection of the same with the north boundary of the fortieth township; thence west and following the north boundary of the fortieth townships to the intersection of the same with the dividing line between the second and third ranges west of the second meridian; thence south and following the said dividing line between the second and third ranges to the intersection of the same with the north boundary of the twenty-eighth township;

thence east and following the north boundary of the twenty-eighth townships to the intersection of the same with the second meridian; thence south and following the said second meridian to the intersection of the same with the north boundary of the twenty-seventh township; thence east and following the north boundary of the twenty-seventh townships to the intersection of the same with the left bank of the Assiniboine river; thence south-easterly and following the said left bank of the Assiniboine river to the place of commencement.

Canora

(24) The electoral division of Canora bounded as follows:

Commencing at the intersection of the north boundary of the twenty-eighth township with the dividing line between the second and third ranges west of the second meridian; thence north and following the said dividing line between the second and third ranges to the north boundary of the fortieth township; thence west and following the north boundary of the fortieth townships to the dividing line between the seventh and eighth ranges; thence south and following the said dividing line between the seventh and eighth ranges to the north boundary of the twenty-ninth township; thence east and following the north boundary of the twenty-ninth townships to the dividing line between the third and fourth ranges west of the second meridian; thence south and following the said dividing line between the third and fourth ranges to the north boundary of the twenty-eighth township; thence east and following the north boundary of the twenty-eighth township to the place of commencement.

Wadena

(25) The electoral division of Wadena bounded as follows:

Commencing at the intersection of the north boundary of the twenty-ninth township with the dividing line between the seventh and eighth ranges west of the second meridian; thence north and following the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the fortieth township; thence west and following the north boundary of the fortieth townships to the intersection of the same with the dividing line between the sixteenth and seventeenth ranges; thence south and following the said dividing line between the sixteenth and seventeenth ranges to the intersection of the same with the production eastward of the north boundary of the thirty-third townships across Big Quill lake; thence westerly following the said production to the intersection of the same with the northerly production of the line between the seventeenth and eighteenth ranges across the said Big Quill lake; thence southerly along the said production and continuing along the dividing line between the seventeenth and eighteenth ranges to the north boundary of the twenty-ninth township; thence east along the north boundary of the twenty-ninth township to the intersec-

tion of the same with the dividing line between the sixteenth and seventeenth ranges; thence north and following the said dividing line between the sixteenth and seventeenth ranges to the north boundary of the twenty-ninth township in the sixteenth range west of the second meridian; thence east and following the north boundary of the twenty-ninth townships to the place of commencement.

(26) The electoral division of Humboldt bounded as Humboldt follows:

Commencing at a point within the Big Quill lake the same being the intersection of the production east of the north boundary of the thirty-third townships and the production south of the dividing line between the sixteenth and seventeenth ranges west of the second meridian; thence north along the production of the said dividing line between the sixteenth and seventeenth ranges and along the said dividing line between the sixteenth and seventeenth ranges to the intersection of the same with the north boundary of the forty-second township; thence west and following the north boundary of the forty-second townships to the intersection of the same with the dividing line between the twenty-fourth and twenty-fifth ranges; thence south and following the said dividing line between the twenty-fourth and twenty-fifth ranges to the north boundary of the thirty-third township; thence east and following the north boundary of the thirty-third townships and the production thereof to the place of commencement.

(27) The electoral division of Vonda bounded as follows: Vonda

Commencing at the intersection of the north boundary of the thirty-third township with the dividing line between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence north and following the said dividing line between the twenty-fourth and twenty-fifth ranges to the north-east corner of section thirteen in the forty-second township; thence west along the north boundary of sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of the forty-second townships in the twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth ranges west of the second meridian to the intersection of the same with the third meridian; thence north along the said third meridian to intersect the north boundary of township forty-two A in the first range west of the third meridian; thence west along the north boundary of township forty-two A to the intersection of the same with the left bank of the South Saskatchewan river; thence south-westerly and following the said left bank of the South Saskatchewan river to the intersection of the same with the dividing line between the first and second ranges west of the third meridian in the forty-first township; thence south and following the said dividing line between the first and second ranges to the intersection of the same with the north

boundary of the thirty-third township; thence east along the north boundary of the thirty-third townships to the place of commencement.

Prince
Albert
County

(28) The electoral division of Prince Albert County bounded as follows:

Commencing at the intersection of the north boundary of the forty-fifth township in the twenty-sixth range west of the second meridian and the left bank of the South Saskatchewan river; thence north-easterly and northerly and following the said left bank of the South Saskatchewan river and its production northerly to intersect the left bank of the North Saskatchewan river in the forty-ninth township in the twenty-second range west of the second meridian; thence north-westerly and south-westerly along the said left bank of the North Saskatchewan river to the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian; thence north and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the north boundary of the fifty-first township; thence west and following the north boundary of the fifty-first townships to the dividing line between the seventh and eighth ranges west of the third meridian; thence south and following the dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the forty-seventh township; thence east and following the north boundary of the forty-seventh townships to the intersection of the same with the dividing line between the first and second ranges west of the third meridian; thence south and following the said dividing line between the first and second ranges to the intersection of the same with the north boundary of the forty-sixth township in the first range west of the third meridian; thence east and following the north boundary of the forty-sixth township to the intersection of the same with the third meridian; thence south and following the said third meridian to the intersection of the same with the north boundary of the forty-fifth township; thence east and following the north boundary of the forty-fifth township to the place of commencement; excepting thereout and therefrom the area hereinafter described in this Act as the electoral division of Prince Albert City.

Duck Lake

(29) The electoral division of Duck Lake bounded as follows:

Commencing at the north-east corner of section thirteen in the forty-second township in the twenty-fifth range west of the second meridian; thence north and following the dividing line between the twenty-fourth and twenty-fifth ranges to the north boundary of the forty-fifth township; thence west along the north boundary of the forty-fifth townships to the dividing line between the twenty-fifth and twenty-sixth ranges; thence

continuing west along the north boundary of townships forty-five A in the twenty-sixth and twenty-seventh ranges to intersect the left bank of the South Saskatchewan river in the twenty-seventh range; thence north-easterly and northerly along the said left bank of the South Saskatchewan river to the intersection of the same with the north boundary of the forty-fifth township in the twenty-sixth range; thence westerly along the north boundary of the forty-fifth townships to the intersection of the same with the third meridian; thence north along the said third meridian to the north boundary of the forty-sixth township; thence west along the north boundary of the forty-sixth township to the intersection of the same with the dividing line between the first and second ranges west of the third meridian; thence north along the said dividing line between the first and second ranges to the intersection of the same with the north boundary of the forty-seventh township in the second range; thence west along the north boundary of the forty-seventh townships to the dividing line between the seventh and eighth ranges west of the third meridian; thence south along the dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the forty-fourth township; thence east along the north boundary of the forty-fourth townships to the intersection of the same with the dividing line between the third and fourth ranges west of the third meridian; thence south along the said dividing line between the third and fourth ranges to the north boundary of the forty-third township; thence east along the said north boundary of the forty-third township to the dividing line between the second and third ranges; thence south along the said dividing line to the north boundary of township forty-three A; thence east along the north boundary of townships forty-three A in the second range to intersect the dividing line between the first and second ranges west of the third meridian; thence continuing east along the north boundary of the forty-second township in the first range west of the third meridian to intersect the left bank of the South Saskatchewan river; thence southerly following the said left bank of the South Saskatchewan river to intersect the north boundary of township forty-two A in the first range west of the third meridian; thence east along the north boundary of township forty-two A in the said first range to the intersection of the same with the third meridian; thence south along the said third meridian to the intersection of the same with the north boundary of section seventeen in the forty-second township in the twenty-eighth range west of the second meridian; thence east and following the north boundary of sections seventeen, sixteen, fifteen, fourteen and thirteen in the forty-second township in the twenty-eighth range west of the second meridian, and sections eighteen, seventeen, sixteen, fifteen, fourteen and thirteen in the forty-second townships to the place of commencement.

Rosthern

(30) The electoral division of Rosthern bounded as follows:

Commencing at the intersection of the north boundary of the thirty-ninth township with the left bank of the South Saskatchewan river in the third range west of the third meridian; thence north-easterly and following the said left bank of the South Saskatchewan river to the intersection of the same with the north boundary of the forty-second township in the first range west of the third meridian; thence west and following the north boundary of the said forty-second township and along the north boundary of township forty-three A to the intersection of the dividing line between the second and third ranges; thence north along the dividing line between the second and third ranges to the north boundary of the forty-third township, thence west along the north boundary of the forty-third township to the dividing line between the third and fourth ranges west of the third meridian; thence north and following the said dividing line between the third and fourth ranges to the north boundary of the forty-fourth township; thence west and following the north boundary of the forty-fourth township in the fourth range and the production thereof through the Hudson's Bay Company reserve and river lots seven, six, five, four, three, two and one to the North Saskatchewan river; thence west along the north boundary of the forty-fourth townships to the intersection of the same with the dividing line between the seventh and eighth ranges west of the third meridian; thence south along the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the thirty-ninth township; thence east along the north boundary of the thirty-ninth townships to the place of commencement.

Kinistino

(31) The electoral division of Kinistino bounded as follows:

Commencing at the intersection of the north boundary of the fortieth township with the eastern boundary of Saskatchewan; thence north and following the said eastern boundary of the province to the intersection of the same with the north boundary of the fifty-first township; thence west and following the north boundary of the fifty-first townships to the intersection of the same with the dividing line between the twenty-third and twenty-fourth ranges west of the second meridian; thence south and following the said dividing line between the twenty-third and twenty-fourth ranges to the intersection of the same with the left bank of the North Saskatchewan river; thence easterly, north-easterly and south-easterly and following the said left bank of the North Saskatchewan river to the intersection of the same with the northern production of the left bank of the South Saskatchewan river

in the forty-ninth township in the twenty-second range west of the second meridian; thence southerly and following the said production of the left bank of the South Saskatchewan river south-westerly and north-westerly and continuing along the said left bank of the South Saskatchewan river to the intersection of the same with the western production of the north boundary of township forty-five A in the twenty-seventh range west of the second meridian; thence easterly and following the north boundary of township forty-five A in the twenty-seventh and twenty-sixth ranges and continuing easterly along the north boundary of the forty-fifth township to the dividing line between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence south and following the said dividing line between the twenty-fourth and twenty-fifth ranges to the intersection of the same with the north boundary of the forty-second township; thence east and following the north boundary of the forty-second townships to the dividing line between the sixteenth and seventeen ranges; thence south and following the said dividing line between the sixteenth and seventeenth ranges west of the second meridian to the intersection of the same with the north boundary of the fortieth township; thence east and following the north boundary of the fortieth township to the place of commencement.

(32) The electoral division of Saskatoon County bounded Saskatoon
County as follows:

Commencing at the intersection of the north boundary of the thirty-third township with the dividing line between the first and second ranges west of the third meridian; thence north and following the said dividing line between the first and second ranges to the intersection of the same with the left bank of the South Saskatchewan river in the forty-first township; thence south-westerly and following the said left bank of the South Saskatchewan river to the intersection of the same with the north boundary of the thirty-ninth township in the third range west of the third meridian; thence west and following the north boundary of the thirty-ninth townships to the intersection of the same with the dividing line between the seventh and eighth ranges; thence south and following the said dividing line between the seventh and eighth ranges to the intersection of the same with the north boundary of the thirty-eighth township; thence west and following the north boundary of the thirty-eighth townships to the intersection of the same with the dividing line between the tenth and eleventh ranges; thence south and following the dividing line between the said tenth and eleventh ranges to the intersection of the same with the north boundary of the thirty-third township; thence east and following the north boundary of the thirty-third townships to the place of commencement; excepting thereout and therefrom the area

hereinafter described in this Act as the electoral division of Saskatoon City.

Redberry

(33) The electoral division of Redberry bounded as follows:

Commencing at the intersection of the north boundary of the thirty-eighth township with the dividing line between the seventh and eighth ranges west of the third meridian; thence north and following the said dividing line between the seventh and eighth ranges to the north boundary of the fifty-first township; thence west and following the north boundary of the fifty-first townships to the intersection of the same with the dividing line between the thirteenth and fourteenth ranges; thence south and following the said dividing line between the thirteen and fourteenth ranges to the intersection of the same with the north boundary of the thirty-eighth township; thence east and following the north boundary of the thirty-eighth townships to the place of commencement.

North
Battleford

(34) The electoral division of North Battleford bounded as follows:

Commencing at a point on the dividing line between the thirteenth and fourteenth ranges west of the third meridian, being the intersection of the same with the left bank of the North Saskatchewan river, said point being in the forty-first township in the fourteenth range; thence north and following the said dividing line between the thirteenth and fourteenth ranges to the north boundary of the fifty-sixth township; thence west and following the north boundary of the fifty-sixth townships to the intersection of the same with the dividing line between the twenty-first and twenty-second ranges; thence south and following the said dividing line between the twenty-first and twenty-second ranges to the intersection of the same with the left bank of the North Saskatchewan river said point being in the forty-ninth township; thence south-easterly and following the said left bank of the North Saskatchewan river to the place of commencement.

Lloyd-
minster

(35) The electoral division of Lloydminster bounded as follows:

Commencing at the intersection of the dividing line between the twenty-first and twenty-second ranges west of the third meridian and the north boundary of the twenty-sixth township; thence north and following the said dividing line between the twenty-first and twenty-second ranges to the intersection of the same with the north boundary of the fifty-sixth township; thence west and following the north boundary of the fifty-sixth townships to the west boundary of Saskatchewan; thence south and following the said west boundary of the province to the intersection of the same with the north boundary of the twenty-sixth township; thence east and following the north boundary of the twenty-sixth townships to the place of commencement.

(36) The electoral division of Battleford bounded as Battleford follows:

Commencing at the intersection of the north boundary of the twenty-sixth township with the dividing line between the eleventh and twelfth ranges west of the third meridian; thence north and following the said dividing line to the intersection of the same with the north boundary of the thirty-third township; thence east and following the north boundary of the thirty-third township to the intersection of the same with the dividing line between the tenth and eleventh ranges west of the aforesaid third meridian; thence north and following the said dividing line between the tenth and eleventh ranges to the intersection of the same with the north boundary of the thirty-eighth township; thence west and following the north boundary of the thirty-eighth townships to the dividing line between the thirteenth and fourteenth ranges; thence north and following the said dividing line between the thirteen and fourteenth ranges to the intersection of the same with the left bank of the North Saskatchewan river in the forty-first township; thence northwesterly and following the said left bank of the North Saskatchewan river to the intersection of the same with the dividing line between the twenty-first and twenty-second ranges in the forty-ninth township; thence south and following the said dividing line between the twenty-first and twenty-second ranges to the intersection of the same with the north boundary of the twenty-sixth township; thence east and following the north boundary of the twenty-sixth townships to the place of commencement.

(37) The electoral division of Moose Jaw City comprising the area described as follows: Moose Jaw City

Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four in the sixteenth township in the twenty-sixth range, together with sections three, four, five and six in the seventeenth township in the twenty-sixth range all west of the second meridian.

(38) The electoral division of Regina City comprising the area described as follows: Regina City

The north half of sections seven and eight and all of sections seventeen, eighteen, nineteen, twenty, twenty-nine and thirty in the seventeenth township in the nineteenth range, together with the north half of section twelve and all of sections thirteen, twenty-four and twenty-five in the seventeenth township in the twentieth range all west of the second meridian.

(39) The electoral division of Saskatoon City comprising the area described as follows: Saskatoon City

Sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight,

twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four in the thirty-sixth township in the fifth range, together with sections three, four, five and six in the thirty-seventh township in the fifth range all west of the third meridian.

Prince
Albert
City

(40) The electoral division of Prince Albert City comprising the area described as follows:

Firstly—The city of Prince Albert as incorporated.

Secondly—The whole of river lots fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven.

Thirdly—Those portions of river lots sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one and eighty-two of the Prince Albert settlement which lie to the south of the said city of Prince Albert as incorporated and that portion of the Hudson Bay reserve outside of and adjoining the said city on the east and south and which lies to the north of the production in a straight line easterly of the southern boundary of the said lot eighty-two in the Prince Albert settlement; and

Fourthly—Fractional sections thirteen and twenty-four in the forty-eighth township in the twenty-sixth range west of the second meridian.

Athabasca

(41) The electoral division of Athabasca bounded as follows:

Commencing at the intersection of the north boundary of the fifty-first township with the eastern boundary of the province of Saskatchewan; thence north and following the said eastern boundary of the province to the intersection of the same with the north boundary of the said province; thence west and following the said north boundary to the intersection of the same with the west boundary of the said province; thence south and following the said west boundary to the intersection of the same with the north boundary of the fifty-sixth township; thence east and following the north boundary of the fifty-sixth townships to the intersection of the same with the dividing line between the thirteenth and fourteenth ranges west of the third meridian; thence south and following the said dividing line between the thirteenth and fourteenth ranges to the intersection of the same with the north boundary of the fifty-first township; thence east and following the north boundary of the fifty-first townships to the point of commencement.

1908

CHAPTER 5.

An Act respecting the Department of Railways, Telegraphs and Telephones.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Railway and Telephone Department Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires:

1. The expression "department" means the department of railways, telegraphs and telephones; Interpreta-
tion
Department

2. The expression "commissioner" means the commissioner of railways, telegraphs and telephones; Commis-
sioner

3. The expression "railway" means any railway which by any special Act of the province any company, corporation or person is authorised to construct or operate and includes all branches, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith; and also any railway bridge, tunnel or other structure which the company is so authorised to construct and includes any railway within the provisions of *The Railway Act*;

4. The expression "telegraph system" means any system of telegraph or telephone lines used for the transmission of telegraph messages and includes all plant, trunk lines, branch lines, stations, toll offices, exchanges, depots, instruments, equipment, poles, wires, property real and personal and works connected therewith; Telegraph
system

5. The expression "telephone system" means any system of telephone lines used for the transmission of communications by telephone and includes all plant, long distance lines, branch lines, stations, toll offices, exchanges, depots, instruments, equipment, poles, wires, cables, property real and personal and works connected therewith; Telephone
system

**Public
telephone
system**

6. The expression "public telephone system" means any telephone system under the control, management and operation of the commissioner;

**Municipal
telephone
system**

7. The expression "municipal telephone system" means any telephone system constructed, maintained and operated under the provisions of *The Municipal Telephone Act*;

**Rural
telephone
system**

8. The expression "rural telephone system" means any telephone system owned, controlled and operated by any company under the provisions of *The Rural Telephone Act*;

**Private
telephone
system**

9. The expression "private telephone system" means any telephone system which by any law of the province any person has been authorised to construct, control or operate in Saskatchewan;

**Foreign
telephone
system**

10. The expression "foreign telephone system" means any telephone system in operation outside the limits of Saskatchewan;

Person

11. The expression "person" includes any company, corporation, municipal corporation, government or association or aggregation of individuals;

**Municipal
council**

12. The expression "municipal council" means the council of any municipality organised, established or constituted under any law in force in Saskatchewan.

ORGANISATION OF THE DEPARTMENT.

**Department
of railways
telegraphs
and
telephones
created**

3. There shall be a department of the public service of the province of Saskatchewan called the department of railways, telegraphs and telephones over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the commissioner of railways, telegraphs and telephones for the time being shall preside.

**Commis-
sioner**

4. The commissioner shall have the administration management and control of the department and of the general business thereof.

**Deputy
commis-
sioner
and staff**

5. The Lieutenant Governor in Council may appoint a deputy commissioner and such officers, clerks and assistants as may from time to time be required and provide for the remuneration of the same; and such deputy, officers, clerks and assistants shall do and perform all such acts and things relating to the business of the department as may from time to time be required by the commissioner.

**Commis-
sioner may
examine
witnesses
on oath**

6. Without in any case or in any way limiting the powers and authorities conferred upon him by any law in force in the province the commissioner shall have power to send for

and examine on oath any person touching any matter upon which his action is required or in respect to which he has authority and power to act or hold an inquiry and may cause such person to bring with him such papers, plans, drawings, books, accounts, records, documents and things as it may in the opinion of the commissioner be necessary to examine with reference to such matter and may pay such person a reasonable compensation for time and disbursements; and such person shall be required to attend on the summons of the commissioner after due notice under a penalty of \$20 for each day any such person fails to appear as required.

7. The commissioner may require any person having the possession of any plans, maps, drawings, reports, papers, contracts, records, documents or other things relating to any railway or any telegraph or telephone system and not being the private property of such person to deliver the same without delay to the department under a penalty of \$20 for each day's delay.

May require
delivery of
documents

RAILWAYS.

8. All matters connected with railways over which the government of Saskatchewan by any Act, agreement or otherwise may have any control shall be administered by the department and in addition to any other powers which may by law be exercisable by the commissioner under this Act he shall have and exercise all the powers, authorities and duties conferred upon, vested in or directed to be performed by the commissioner under the provisions of *The Railway Act*.

Jurisdiction
of commis-
sioner as to
railways

TELEPHONES AND TELEGRAPHS.

9. Every telegraph and telephone system which may hereafter be constructed or acquired by the commissioner under the provisions of this Act shall unless otherwise provided be under the control and management of the department.

Telegraph
and
telephone
systems
under
control of
the
department

10. The commissioner shall have power to construct, build, extend, alter, improve, maintain and operate such telephone and telegraph systems within the province as may be deemed advisable provided that before the construction of any such system is proceeded with it shall be the duty of the commissioner to submit to the Lieutenant Governor in Council for approval plans, specifications, drawings and estimates of the said proposed system.

Commis-
sioner may
construct
and operate
telephone
and
telegraph
systems

11. Subject to the approval of the Lieutenant Governor in Council the commissioner shall have power and authority to

Commis-
sioner may
purchase

acquire by purchase, lease or otherwise any telegraph system or any private or other telephone system or any part thereof.

Issue of
debentures
for money
borrowed
for the
purposes of
this Act and
The Rural
Telephone
Act

12. For the purpose of raising the funds required for the purposes of this Act and *The Rural Telephone Act* the Lieutenant Governor in Council shall have power to authorise the provincial treasurer from time to time to issue debentures of the province in sums not exceeding one thousand dollars each bearing interest at a rate not exceeding four per centum and payable at any time not exceeding forty years from the date thereof; such debentures may be made payable at any place in Canada or in the United Kingdom of Great Britain and Ireland or in the United States of America and either in sterling money or Canadian currency, shall have coupons attached thereto for the payment of the interest half yearly or yearly, shall be sealed with the seal of the province and shall be signed by the provincial treasurer whose signature on the coupons may be lithographed.

Provincial
treasurer
may borrow
pending
issue of
debentures

(2) Until such time as such debentures are issued and disposed of by sale or otherwise the provincial treasurer shall have power subject to the approval of the Lieutenant Governor in Council to borrow from the general revenues of the province or from any person, bank or corporation such sum or sums of money as may be required for the purposes of this Act and *The Rural Telephone Act* and whenever the said debentures or any of them are issued and disposed of as herein provided the proceeds of the sale or other disposal of such debentures or any of them shall be employed in refunding any sum or sums of money so borrowed.

Provincial
treasurer
may make
regulations

13. The provincial treasurer subject to the approval of the Lieutenant Governor in Council shall have power from time to time to make such provisions and regulations as may be deemed advisable or necessary respecting the keeping of accounts, the application of funds and other matters of financial detail involved in carrying out the provisions of this Act and *The Rural Telephone Act*.

Commis-
sioner may
sell or
lease

14. Subject to the approval of the Lieutenant Governor in Council the commissioner shall have power to dispose of by sale, lease or otherwise the whole or any part or parts of any public telephone system to any person upon such terms and conditions as may be agreed upon.

Agreement
for
connection
or joint
operation
with
municipal
or other
systems

15. The commissioner shall have power to enter into any agreement or agreements with any person controlling, owning or operating any rural, private, foreign, municipal or other telephone system for the purpose of providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between any such system and any

public telephone system and may make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, payment of compensation or such other adjustments as may be necessary under any such agreement.

16. In case for any cause any person controlling, owning or operating any private, municipal or rural telephone system refuses, fails or neglects to enter into an agreement with the commissioner for any or all of the purposes mentioned in the next preceding section the Lieutenant Governor in Council may authorise the commissioner to take all steps necessary or expedient to provide therefor upon such terms and conditions as may be deemed advisable.

Power of commissioner on refusal of other system to enter into agreement

17. The commissioner or any other person or persons lawfully authorised by him shall have power for the purposes mentioned in this Act or any of them and without the consent of any municipal council or other authority to enter in and upon any highway, road, street, lane, square or other public place for the purpose of exercising all or any of the powers conferred on him and as often as he thinks proper to break up and open any such highway, road, street, lane, square or other public place for the purpose of erecting poles and stringing wires or cables thereon or thereto or for placing wires or cables under ground:

Commissioner may break up streets, etc.

Provided however that in all such cases the surface of the ground so broken up or opened shall be restored as far as possible to its former condition by and at the expense of the province; and provided further that the commissioner shall not interfere nor shall he permit or sanction the interference with the public right of travel or in any way obstruct or permit the obstruction of the entrance to any door or gateway or the free access to any building or erect more than one line of poles on any highway or unnecessarily cut down or mutilate or permit the cutting down or mutilation of any trees.

18. For the purposes mentioned in this Act and in the exercise of any power conferred upon him the commissioner by his surveyors, engineers, agents, workmen or servants may at any and all times enter upon and take, use or acquire any lands or property in whomsoever vested and he shall have full power and authority through such officers, agents and servants to do all acts and things on or in relation to any such land or property which he deems necessary, advisable or expedient in order to carry out any authority or power conferred upon him by this Act:

Power to enter upon and acquire lands

Provided that the commissioner shall whenever required so to do make reasonable compensation to the owner or owners

or persons interested in any land or property which he may enter upon, take, use or acquire as provided by this section and for all damages sustained by such owner or owners or persons in or by the execution of all or any of the powers conferred upon the said commissioner; and in case the amount of the said compensation cannot be mutually agreed upon by the commissioner and the said owner or owners or persons interested the same shall be determined in the manner provided by *The Arbitration Ordinance*.

Commis-
sioner may
examine and
report on
other
systems

19. When deemed advisable so to do the commissioner may instruct an officer of the department to examine and report upon the construction, operation and management of any municipal or rural telephone system and for this purpose such officer shall have full power and authority at all reasonable hours to enter any building, office or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to any such system and to examine the switch boards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of any such system; and any person who molests or hinders in any way any officer of the department in the discharge of his duties as herein defined shall be liable on summary conviction to a penalty not exceeding \$25 for each offence.

Statement
of rates to
be furnished
to the
commis-
sioner

20. Every person operating a municipal, rural or private telephone system within the province shall forthwith whenever demanded by the commissioner transmit to him a detailed statement in such form as he may prescribe showing all rates, rentals, tariffs, tolls, schedules and charges fixed and charged by such person for supplying telephone service and if in the opinion of the commissioner such rates, tolls or charges or any of them are unreasonable or discriminatory he shall investigate and inquire into the matter and subsequent to such investigation and inquiry he shall have power subject to the approval of the Lieutenant Governor in Council to order any alteration or adjustment of the said rates as he may deem advisable and any order made by the commissioner for this purpose shall be forthwith complied with.

Commis-
sioner may
require
surveyor or
employee of
department
to assist in
construction

21. Whenever it is deemed advisable in the public interest the commissioner may require any surveyor, engineer, expert or other employee of the department to render to any person requesting the same such advisory, supervisory or other assistance respecting the construction, management and operation of telephone systems as may be necessary and may fix the terms and conditions under which any such assistance shall be given.

Appoint-
ment of
commission

22. The Lieutenant Governor in Council may at any time appoint a commission of not more than three members to

take over the construction, maintenance, operation and management of public telephone systems and may by order determine the duties, powers and authorities of any commission so appointed.

23. Every person operating a telephone system or systems within Saskatchewan shall on or before the first day of January in each year and at such other times as may be required by the commissioner and in such form as may be prescribed by him furnish the department with such statements, reports and returns respecting the cost, receipts, operation and management of such system or systems as the commissioner may deem advisable and upon refusal, neglect or failure to transmit to the department any such statement, report or return within such time as the commissioner may fix the person in default shall be liable to a penalty not exceeding \$25 for each day's delay.

Each system to report to commissioner

24. In addition to all other powers conferred upon the commissioner by this Act he shall have power:

Power of commissioner to prescribe standards

1. To prescribe standard conditions and specifications for the construction, equipment and maintenance of private, municipal or rural telephone systems operated within Saskatchewan;

2. To prescribe rules and regulations for the keeping of books and accounts of all receipts and expenditures for and on account of any municipal or rural telephone system.

25. The commissioner shall make and submit to the Lieutenant Governor in Council an annual report on the telephone systems of Saskatchewan to be laid before the Legislative Assembly within ten days after the commencement of each session showing the state and condition of each system the amounts received and expended in respect thereof with such further information as may be deemed advisable.

Commissioner's annual report

26. *The Railway Commissioner's Act* is hereby repealed.

Repeal

✓ 1908

CHAPTER 6.

An Act respecting Municipal Telephone Systems.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Municipal Telephone Act.*"

INTERPRETATION.

2. Section 2 of *The Railway and Telephone Department Act* shall so far as applicable to this Act be deemed to be enacted herein.

Interpre-
tation
Municipi-
pality

(2) In this Act unless the context otherwise requires:

1. The expression "municipality" means a city, town, village or rural municipality organised, established or existing under any law in force in the province;

Electors

2. The expression "electors" means all persons entitled to vote on a money bylaw of the municipality as provided by the municipal law in force in the particular municipality concerned.

POWERS OF MUNICIPAL COUNCILS.

Powers of
municipi-
pality

3. The council of every municipality shall have power:

1. To construct, maintain and operate a telephone system within the limit of the municipality and to improve, enlarge, add to or extend any telephone system which it has constructed or acquired;

2. To acquire by purchase, lease or otherwise any telephone system situated and operated wholly or partly within the limits of the municipality;

3. To dispose of by sale, lease or otherwise any telephone system which it has constructed or purchased or any portion thereof;

4. To issue debentures of the municipality for the purpose of raising the funds necessary to construct, acquire, enlarge, add to or extend any municipal telephone system or for all or any of the said purposes.

APPROVAL OF ELECTORS AND COMMISSIONER.

4. The powers or any of them conferred upon municipal councils by the next preceding section shall be exercised by the council of any municipality only with the assent of the electors thereof, which assent shall be obtained in the manner provided by law for securing the assent of the electors of the municipality to money bylaws. Approval of electors and commissioner

5. Every bylaw providing for the construction, extension or acquisition of any telephone system by a municipal council shall set forth the amount of money required for all or any of these purposes and a statement of the rates, rentals, tolls and charges which the municipal council propose to fix for telephone service. Requisites of bylaws

6. Before any such bylaw is submitted to the electors for their assent a certified copy thereof together with plans, specifications, drawings and estimates of the telephone system proposed to be constructed, extended or acquired shall be transmitted to the commissioner for his approval. Commissioner's approval

TELEPHONE DEBENTURES.

7. Upon receiving the assent of the electors to a bylaw for the issue of debentures for any of the purposes herein provided the municipal council shall issue such debentures accordingly and every such debenture when issued and sold or otherwise disposed of shall be a charge or lien upon all real property situated within the municipality and upon all rates and taxes of the municipality. Telephone debentures

8. Every such debenture shall be as nearly as may be in such form and shall be dealt with in such manner as is prescribed by law for other debentures of the municipality and shall in the case of towns and cities not run for a longer period than twenty years and in the case of villages and rural municipalities fifteen years. Form of debentures

9. The amount of money which any municipality may raise by the issue of debentures for the purposes of this Act shall be in excess of all sums which such municipality is authorised by law to raise by debentures for other purposes of the municipality provided that the amount raised under the provisions of this Act in the case of cities, towns and villages shall not exceed two per centum of the total assessed value of the real property of the municipality as shown by its last revised assessment roll and in the case of rural municipalities shall not exceed twenty-five cents per acre for each acre of land assessed by the municipality as shown by its last revised assessment roll. Limit of powers to borrow

SPECIAL TELEPHONE ASSESSMENT.

Special
telephone
assessment

10. The council of every municipality shall have power to provide by bylaw for such proportion of the cost not exceeding one-fifth of the construction, maintenance and operation of a telephone system within the municipality by a special annual assessment upon all the assessable property in such municipality and such assessment shall not be deemed to be part of nor shall it be taken into account in determining the amount which any such municipality is otherwise by law entitled to raise by taxation.

When bylaw
to have
effect

(2) No such bylaw shall have any force or effect until it has received the assent of the electors of the municipality in the manner provided by law for securing the assent of the electors to money bylaws.

Duty of
municipality

11. If in any municipality a special assessment is made as provided by the next preceding section it shall be the duty of the municipal council to furnish telephone service to every elector of the municipality who applies for such service.

POWER TO ENTER LAND OR PREMISES.

Power to
enter on
lands and
premises

12. For the purposes mentioned in this Act and in the exercise of any power conferred upon municipal councils every municipal council by its surveyors, engineers, agents, workmen or servants may at any and all times enter upon, take, use or acquire any land or property in whomsoever vested and it shall have full power and authority through such officers, agents and servants to do all acts and things on or in relation to any such land or property which it deems necessary, advisable or expedient in order to carry out any authority or power conferred upon it by this Act:

Proviso

Provided that the municipal council shall whenever required so to do make reasonable compensation to the owner or owners or persons interested in any land or property which it may enter upon, take, use or acquire as provided by this section and for all damages sustained by such person in or by the execution of all or any of the powers conferred upon the said council; and in case the amount of the said compensation cannot be mutually agreed upon by the municipal council and the said owner or owners or persons the same shall be determined in the manner provided by *The Arbitration Ordinance*.

DISPOSITION OF PROPERTY NOT REQUIRED.

Disposition
of property
not required

13. Every municipal council shall have power to dispose of by sale, lease or otherwise any property real or personal which forms a part of any telephone system belonging to the municipality and which in the opinion of the council is no longer required for the purposes of the said system and the

proceeds arising from any disposition of the said property shall be added to and form part of the funds for the construction and extension of the said system.

RATES, TOLLS AND CHARGES.

14. It shall be the duty of the council of every municipality ^{Rates, tolls and charges} in which a telephone system is constructed and operated as herein provided to charge the subscribers for telephone service such rates, rentals and tolls as shall at all times be sufficient to produce a revenue adequate to cover the cost of maintenance, operation and other necessary expenses and to meet all debentures, payments of principal and interest as they fall due:

Provided that in case a special assessment of the municipi- ^{Proviso} pality is made as provided by section 10 hereof the said rates, rentals and tolls shall be so fixed as to provide only for such proportion of the said cost and expenses as is not provided for by such special assessment.

BOOKS AND ACCOUNTS.

15. Every municipality operating a telephone system shall ^{Books and accounts} cause to be kept separate books and accounts of the receipts and disbursements for and on account of such system distinct from the books and accounts relating to the other property, undertakings, funds and assets of the municipality.

16. If in any year the moneys received on account of the ^{Disposition of surplus} operation of any municipal telephone system exceeds the cost of construction, maintenance and repair of such system during the year the excess or surplus shall be set aside and be used for the payment of the principal of any debenture indebtedness incurred on account of such system or for providing for its extension or improvement.

INTERCHANGE OF TELEPHONE SERVICE.

17. Every municipal council shall have power to enter into any agreement or agreements with any person controlling, ^{Inter-change of telephone service} owning or operating any private, foreign, rural or other telephone system for the purpose of providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between any such system and any municipal telephone system and may make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, payment of compensation or such other adjustments as may be necessary under any such agreement.

18. In case for any cause any person controlling, owning ^{Commissioner may} or operating any private or rural telephone system refuse

require
system to
enter into
agreement

fails or neglects to enter into an agreement with a municipal council for any or all of the purposes mentioned in the next preceding section the council shall report the matter to the commissioner who shall have power to take all steps necessary or expedient to provide therefor upon such terms and conditions as may be determined by him.

INSPECTION OF MUNICIPAL SYSTEMS.

Inspection
of
municipal
system

19. Every municipal telephone system constructed under the provisions of this Act shall during construction be subject to the inspection of an engineer or officer appointed by the commissioner.

EXCHANGES, TERMINALS AND EXTENSIONS.

Exchanges,
terminals
and
extensions

20. Every rural municipality owning and operating a telephone system shall have the right to place its local exchange or switching terminals in any neighbouring city, town or village outside the boundaries of such rural municipality upon such terms for the ownership or joint ownership of such local exchanges or switching terminals as may be mutually agreed upon between the councils of the municipalities respectively concerned or in case such councils are unable to agree upon such terms as shall be prescribed and ordered by the commissioner and every such order of the commissioner shall be forthwith complied with.

Power to
construct
beyond
limits of
municipality

21. In case for any cause it is satisfactorily shown that any municipal council should have power and authority to construct, extend, maintain and operate its telephone system beyond the limits of the municipality the Lieutenant Governor in Council may grant such power and authority subject to such terms, conditions and restrictions as may be deemed advisable.

RULES, REGULATIONS AND BYLAWS.

Rules,
regulations
and bylaws

22. Every municipal council shall have power from time to time to make and enforce all necessary bylaws, rules and regulations for the general management, maintenance and operation of any telephone system under its control and for the collection of all charges, rents and rates; and for the purposes of this Act all charges, rents, rates, tolls and accounts due to a municipality by any subscriber or other person for the use of a telephone or for telephone service may be recovered by the council by action or suit before any court of competent jurisdiction or may be treated in every way as if the same were taxes due to the municipality.

✓ 1908

CHAPTER 7.

An Act respecting Rural Telephone Systems.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Rural Telephone Act.*" Short title

INTERPRETATION.

2. Section 2 of *The Railway and Telephone Department Act* shall so far as applicable to this Act be deemed to be 1908, c. 5, s. 2 applicable enacted herein.

(2) In this Act unless the context otherwise requires: Interpre-

1. The expression "company" means any company organ- tation
ised under the provisions of this Act; Company

2. The expression "pole mile" means a lineal mile in any Pole mile
rural telephone system necessarily occupied by telephone poles
strung with one or more wires for the use of such system.

ORGANISATION OF COMPANY.

3. In case any five or more persons residing in any portion Organisa-
of the province desire to construct, maintain and operate a tion of
rural telephone system for their mutual benefit they may company
present a petition to the commissioner praying for the organi-
sation of a company for this purpose.

4. Every such petition shall be accompanied by plans, Petition to
specifications, drawings and estimates of the system which be accom-
the petitioners desire to construct together with a schedule of panied by
the rates, rentals or tolls which it is proposed to fix and plans
charge for telephone service.

5. Upon receipt of the petition and upon being satisfied that company to
the prayer of the petitioners should be granted it shall be be registered
the duty of the commissioner to take all steps necessary to under The
secure the organisation, incorporation and registration under companies
The Companies Ordinance of the company petitioned for and Ordinance

notwithstanding any provision to the contrary in *The Companies Ordinance* such company shall be duly formed, incorporated and registered thereunder without the payment of any fees or charges whatsoever.

Limit of capital

6. The amount of capital with which any company proposes to be incorporated and registered as herein provided shall not exceed \$150 for each pole mile of line to be constructed by the company but with the approval of the commissioner such capital may be increased from time to time for the purpose of enabling the company to enlarge, add to or extend its telephone system.

Shares

7. The capital of the company shall be divided into equal shares of \$25 per share and any number of shares not exceeding twenty may be allotted to one subscriber provided that no subscriber shall take less than one share.

Commencement of construction

8. Before any company proceeds with the construction of a rural telephone system as provided by this Act it shall be the duty of the company to collect from the subscribers of the capital stock of the company a sum amounting to at least \$20 for each pole mile of the system to be constructed as approved by the commissioner.

NEW SUBSCRIBERS.

New subscribers

9. In case any person residing outside the limits of any city, town or village makes application to become a member of any company whose telephone system is situated in his neighbourhood in order that he may secure telephone service such application shall be accepted and it shall be the duty of the company to supply such person with telephone service provided that the supplying of such service does not require on the part of the company an expenditure exceeding \$50.

COMPANY MAY ENTER LANDS AND PREMISES.

Company may enter lands and premises

10. Every company by its surveyors, engineers, agents, workmen or servants shall have power at any and all times without the consent of any municipal council or other authority to enter in and upon any highway, road, street, lane or other public place not within the limits of any city, town or village for the purpose of exercising all or any of the powers conferred on it and as often as is thought proper to break up and open any such highway, road, street, lane or other public place for the purpose of erecting poles and stringing wires or cables thereon or thereto:

Provided

Provided however that in all such cases the surface of the ground so broken up or opened shall be restored as far as possible to its former condition by and at the expense of the company:

And provided further that the company shall not interfere ^{Provide} nor shall it permit or sanction the interference with the public right of travel or in any way obstruct or permit the obstruction of the entrance to any door or gateway or the free access to any building or property, nor unnecessarily cut down or mutilate or permit the cutting down or mutilation of any trees.

11. For the purpose of enabling every company to ^{May} construct, maintain and operate its telephone system and in the ^{acquire} exercise of the powers conferred upon companies by this Act ^{lands} every company shall have power by its surveyors, engineers, agents, workmen or servants at any and all times to enter upon take, use or acquire any land or property in whomsoever vested and shall have full power and authority through such officers, agents and servants to do all acts and things on or in relation to such land or property which may be necessary, advisable or expedient to provide for the construction, maintenance, extension or improvement of its telephone system:

Provided that the company shall whenever required so to do ^{Provide} make reasonable compensation to the owner or owners or persons interested in any land or property which it may enter upon, take, use or acquire as provided by this section and for all damages sustained by such owner or persons interested in or by the execution of all or any of the powers conferred upon the company; and in case the amount of the said compensation cannot be mutually agreed upon by the company and the said owner or owners or persons interested the same shall be determined in the manner provided by *The Arbitration Ordinance*.

EXCHANGES, TERMINALS AND EXTENSIONS.

12. Every company shall have the right to place its local ^{Exchanges} exchange or switching terminals in any neighbouring municipality upon such terms as to the ownership or joint ownership of such local exchange or switching terminals as may be mutually agreed upon by the company and the municipal ^{terminals} council or in case of failure to arrive at a mutual agreement ^{and} then upon such terms as shall be prescribed and ordered by the commissioner and every such order of the commissioner shall be forthwith complied with. ^{extensions}

13. In case for any cause it is satisfactorily shown that any company should have power and authority to construct, extend, maintain and operate any portion of its telephone system within the limits of any municipality the Lieutenant Governor in Council may ^{Lieutenant Governor in Council may} grant such power and authority ^{grant} subject to such terms and conditions as may be deemed ^{power of} advisable. ^{extension} ^{etc.}

INTERCHANGE OF TELEPHONE SERVICE.

Interchange
of telephone
service

14. Subject to the approval of the commissioner every company shall have power to enter into any agreement or agreements with any person controlling, owning or operating any private, foreign or other telephone system for the purpose of providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between any such system and the company's rural telephone system and may make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, payment of compensation or such other adjustments as may be necessary under any such agreement.

Commis-
sioner may
require
company to
enter into
agreement

15. In the event of any company organised under this Act or of any person controlling, owning or operating any private or other telephone system within the province refusing or neglecting to enter into an agreement for any or all of the purposes mentioned in the next preceding section the commissioner shall have power to issue an order providing for such connection, intercommunication, joint operation, reciprocal use or transmission of business upon such terms and conditions as he may deem advisable.

BOOKS AND ACCOUNTS.

Books and
accounts

16. Every company operating a telephone system under this Act shall cause to be kept books and accounts of the receipts and disbursements for and on account of such system and such books and accounts shall be kept in such form as may be prescribed by the commissioner.

To be closed
at the end
of each year

17. The books and accounts of every company shall be closed and balanced on the thirty-first day of December in each year and in case after providing for all outstanding liabilities there remains a balance of cash on hand as the result of the year's operations the company may declare a dividend not exceeding eight per centum on the paid up capital of the company and any surplus remaining upon the payment of such dividend shall be employed in enlarging, extending, improving or adding to the company's system.

ADDITIONAL POWERS OF COMPANIES.

Additional
powers of
companies

18. In addition to all other powers conferred upon companies by this Act every company shall subject to the approval of the commissioner have power:

1. To acquire by purchase, lease or otherwise any private or rural telephone system;

2. To dispose of by sale, lease or otherwise the whole or any portion of its telephone system;

3. To make such rules and regulations for the maintenance, operation and management of its telephone system as it deems advisable.

GOVERNMENT ASSISTANCE.

19. For the purpose of encouraging and assisting the development and extension of rural telephone systems throughout the province the commissioner shall have power to furnish any company from time to time with the telephone poles required for the construction of its system provided that the number of poles to be supplied to any company and the conditions under which such poles shall be supplied shall be fixed by regulations approved by the Lieutenant Governor in Council. Government assistance

GENERAL.

20. Except as varied by this Act every company organised hereunder shall have all the powers conferred upon companies by *The Companies Ordinance*. 1901 c. 20 applicable

21. Without the approval of the Lieutenant Governor in Council no company shall except as herein provided be organised, incorporated and registered under *The Companies Ordinance* for the purpose of carrying on a telephone business in the province. Approval of Lieutenant Governor in Council necessary

22. Every rural telephone system constructed, maintained and operated under the provisions of this Act shall be exempt from all assessments, rates and taxes which may be imposed, levied or collected by any authority under any Act. Exemption from assessment and taxation

/ 1908

CHAPTER 8.

An Act respecting Seed Grain.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Power of
Lieutenant
Governor
to provide
seed grain

1. The Lieutenant Governor in Council shall have power and shall be deemed to have had power by Order in Council to provide for the purchase, sale and distribution during the year 1908 among such farmers and settlers in the province as apply for the same of seed grain in such quantities and upon such terms as to the taking of such security for the repayment of the cost of seed grain so supplied as shall appear necessary or proper provided that the cost of said grain so advanced to any one applicant shall not exceed \$250.

Power to
receive
money from
government
of Canada

2. The Lieutenant Governor in Council shall have power and shall be deemed to have had power to receive from the government of Canada by way of loan on the credit of the province the sum of \$1,825,000 or such part thereof as may be required for the purposes stated and to agree to pay the government of Canada any sum so received together with five per centum per annum interest thereon on or before the thirty-first day of March, 1909, and to agree that if any part of the said sum and interest shall remain unpaid on the said date the same shall thereupon become a charge upon any subsidy, allowance, grant or money which for any purpose whatsoever may at any time hereafter become payable by the government of Canada to the province.

Order in
Council
approved

3. Any agreement or order in council heretofore made for any of the purposes aforesaid is hereby approved, ratified and confirmed.

Security for
advances

4. The amount agreed to be paid by any applicant for seed grain in consideration of the advance to him by the government of such seed grain together with interest thereon at the rate of five per centum per annum until paid shall be a debt due by the applicant to his Majesty and shall be a charge upon any real property of the applicant whether in the province or elsewhere, and upon any crop of any kind hereafter grown on any land by the applicant having priority over

Ass 409 p 25)

178.
* & subject to the provisions of subsection (4) of sec 5 hereupon any land stated in the applⁿ for seed grain to be held under an agree^t or con^t for the purchase thereof

all other liens, charges or incumbrances thereon whenever created and in addition to any other remedy which his Majesty may have to enforce payment of the said amount; such charge shall be capable of enforcement by seizure and sale of the said real property or crop when growing or when cut under warrant signed by the commissioner of agriculture by any person authorised by him to execute such warrant whenever any of the said property may be found and in respect thereof his Majesty shall have and be entitled to all the remedies of a mortgage in the same manner as if the said amount were secured by a registered charge against the said land or a chattel mortgage against the said crop and in priority to all taxes, liens, charges and incumbrances thereon.

5. The commissioner of agriculture shall as soon as conveniently may be send to the registrar of land titles for each land registration district a statement showing in alphabetical order the name of each applicant for seed grain as aforesaid and showing the land for the cultivation of which seed grain has been furnished, the amount agreed to be paid by each applicant for seed grain as aforesaid and the date from which interest is payable ^{Registration of lien} ~~and if the said land was on such date owned by the applicant or if the said land is shown in the records of the land titles office by caveat or otherwise to be held under an agreement for sale in favour of the applicant~~ *Ann 1909 p 257* ~~the registrar shall upon receipt of such statement enter in the register against such land and shall indorse the same upon any duplicate certificate of title thereafter issued therefor a memorandum as follows: "This land is subject to a seed grain lien in favour of his Majesty as represented by the commissioner of agriculture for the province of Saskatchewan for the sum of dollars and interest thereon at five per centum per annum from the day of , 1908"~~ ; and in respect of any other land in his land registration district the registrar shall treat each item in the statement as if it were a writ of execution against the lands of the applicant for seed grain as aforesaid for the amount shown thereby to be owing by the applicant and may use the form herein provided in making the memorandum required to be made by section 129 of *The Land Titles Act*.

(2) Instead of entering a memorandum in the execution docket the registrar may use a separate docket to be known as the "seed grain docket."

(3) The commissioner of agriculture shall also cause the said statement to be published in *The Saskatchewan Gazette*.

(4) (5) 1909 p 257-8 (6) 1912 p 19

6. Any registrar of land titles shall on receiving a letter ^{Discharge of lien} signed by the commissioner of agriculture directing him so

to do enter a memorandum in the execution docket or in the seed grain docket as the case may be and upon the certificate or certificates of title in the register to the land of the person mentioned in such letter to the effect that such land and all lands of the applicant as aforesaid are released from the said lien and thereafter such land shall be absolutely released and discharged from the said lien and from any claim under this Act.

Chattel
mortgage
validated

7. Notwithstanding anything contained in *The Bills of Sale Ordinance* or in any other Act or law every document purporting to be a chattel mortgage heretofore or hereafter given or made to or in favour of his Majesty to secure an advance of seed grain shall be capable of registration free of charge under *The Bills of Sale Ordinance* and shall be valid and effective according to the true intent and meaning thereof; and no irregularity, informality or insufficiency therein or in any affidavit made in connection therewith or the failure to make any such affidavit or the failure to file and register the said document or to file or register the same within the time limited by law for that purpose shall render the same invalid; but every such document shall bind the crop therein mentioned as fully and effectually to all intents and purposes as if all the provisions of *The Bills of Sale Ordinance* and of any other Act or law had been strictly complied with and shall have priority over any other mortgage or lien whenever given upon the security of the same crop or any writ of execution against the mortgagor.

Appoint-
ment of
commis-
sioners for
oaths and
affidavits
validated

8. To remove doubts it is hereby declared that the Lieutenant Governor in Council had power to make the order in council bearing date the tenth day of February, 1908, empowering such persons in the province as may hold the office of secretary treasurer of a local improvement district or municipality, Dominion land agent, subland agent, home-
stead inspector, immigration agent or member of the Royal North-West Mounted Police to administer oaths and take and receive affidavits, declarations and affirmations within the province.

✓ 1908

CHAPTER 9.

An Act to amend The Supplementary Revenue Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Clause 1 of section 2 of *The Supplementary Revenue Act* 1907, c. 3.
is hereby repealed and the following substituted therefor: ^{S. 2} amended

"1. The expressions 'land,' 'owner,' 'occupant,' 'local improvement district,' 'district,' 'rural municipality' and 'assessment roll' shall have the same meaning as is expressly or impliedly attached to them in *The Local Improvements Act* or in any Act governing any rural municipality, as the case may be."

2. Section 3 of the said Act is hereby amended by adding ^{S. 3} amended
thereto the following proviso:

"Provided that no such owner or occupant of land shall be assessed for a less sum than twenty-five cents."

3. Section 5 of the said Act is hereby repealed and the <sup>S. 5 repealed,
new
section 5</sup>
following substituted therefor:

"5. Whenever the assessment roll of any local improvement district or rural municipality is being prepared it shall be the duty of the person or persons in charge of the preparation of such roll to assess each acre of assessable land as shown by the roll for the amount of the supplementary revenue rate and for this purpose the necessary column therefor shall be provided in the assessment roll as indicated in form A in the schedule to this Act." <sup>Mode of
assessment</sup>

4. Section 6 of the said Act is hereby amended by adding ^{S. 6} amended
thereto the following provisos:

"Provided that in any local improvement district or rural municipality in which during the year 1907 no assessment was made under this Act an assessment for such year in accordance with the requirements of this Act shall for all the purposes of this Act be deemed to have been made; and the amount of the supplementary revenue rate which should have been assessed and collected on each lot or parcel of land as shown by the assessment roll for the year 1907 shall be ^{Proviso}

included in the assessment for the year 1908 as arrears brought from the year 1907 and shall be collected in the same manner as other arrears of taxes of the district or municipality, as the case may be:

Proviso

"Provided further that if in any district or rural municipality the assessment roll for the year 1908 has been completed when this Act comes into force all persons required by any Ordinance or Act to perform any duty in respect to the assessment or collection of the supplementary revenue rate shall notwithstanding such completion amend the assessment roll as hereinafter provided and take all other steps of whatever nature and kind necessary for the collection of the said rate and of arrears for the year 1907."

**S. 8
repealed**

5. Section 8 of the said Act is hereby repealed.

**S. 11
amended**

6. Section 11 of the said Act is hereby amended by repealing the first proviso to the said section and by adding to the end of the said section the following proviso:

"Provided that for the year 1907 the official who made the necessary assessment under this Act shall be paid out of the fund by the provincial treasurer as remuneration for his services in making such assessment and any collection of taxes thereunder and also for all expenses he may have been put to in making such assessment or collection such sum as shall make the total payment to such official equal to five per centum of the amount of the total assessment made subject always to a deduction of any amount paid to or retained by such official on account of such assessment and collection."

**S. 12
amended**

7. Section 12 of the said Act is hereby amended by striking out the word "fifteenth" in the last line thereof and substituting therefor the word "thirty-first."

**S. 13
repealed,
new
section 13
Provincial
treasurer
may pay
costs of
administra-
tion of this
Act out of
fund
S. 19
amended**

8. Section 13 of the said Act is hereby repealed and the following substituted therefor:

"13. The provincial treasurer may charge against and pay out of the fund all expenses, charges and disbursements made in collecting and distributing the revenue of the fund."

9. Section 19 of the said Act is hereby amended by repealing clause lettered (c) of subsection (1) thereof.

**S. 20
added**

10. The said Act is hereby amended by adding thereto the following as section 20:

**Act
applicable
to rural
municipalities**

"20. All the provisions of this Act having reference to the assessment and collection of the supplementary revenue rate and other procedure in relation thereto shall apply and shall be deemed always to have been applied to rural municipalities

whether now or hereafter organised under any Ordinance or Act; and in the case of any rural municipalities any reference made in *The Supplementary Revenue Act* to *The Local Improvements Act* shall be deemed also to be made to the Ordinance or Act under which any such rural municipality is organised."

✓
1908

CHAPTER 10.

An Act to amend The Stray Animals Ordinance.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

C.O. 1898,
c. 80
Clause 6 of
section 2
repealed and
new clause
substituted
"animal"
"head of
stock"
Section 2
amended

1. Clause 6 of section 2 of *The Stray Animals Ordinance* is hereby repealed and the following substituted therefor:

"6. The expression 'animal' or 'head of stock' means any head of cattle, horses, sheep, goats or swine."

2. Section 3 of the said Ordinance is hereby amended by striking out all the words after "owner" in the fifth line thereof and substituting therefor the words "by registered letter and such owner shall within twenty days from the date of the mailing of such registered letter remove his animal from such premises, band, herd or flock."

Subsection
(1) of
section 6
repealed
New
subsection
settlement
of disputes
as to
expenses

3. Subsection (1) of section 6 of the said Ordinance is hereby repealed and the following substituted therefor:

"6. In case the owner of such animal and the finder are unable to agree as to the amount of such expenses any justice of the peace may upon oath of either party complaining against the other summon the party complained against to appear before him at a reasonable time to be stated in the summons and the justice shall examine into the matter of complaint whether the person complained against appears or not and shall determine the amount of the expenses payable in the matter and such determination of the justice shall be final and conclusive between the parties.

Subsection
(3) of
section 6
amended

4. Subsection (3) of section 6 of the said Ordinance is hereby amended by inserting after the word "shall" in the third line thereof the words "post notices of sale in the nearest post office and in at least two other conspicuous places in the neighbourhood for at least eight days and shall then."

S. 8
amended

5. Section 8 of the said Ordinance is hereby amended by striking out the word "six" in the first line thereof and substituting therefor the word "four."

6. Section 10 of the said Ordinance is hereby repealed and the following section substituted therefor:

S. 10
repealed;
new s. 10

"10. The following and no other shall be the fees payable under this Ordinance.

New tariff
of fees

"To the Finder.

"For the care and sustenance of any horse no charge shall be allowed unless the circumstances render it necessary to feed the animal either by allowing him to have access to enclosed stacks or by taking him up and feeding him in a corral, stable or shed in which case during the period from the fifteenth day of November in any year to the fifteenth day of April next following ten cents per day from the date of mailing the notice to the owner or to the official gazette as provided for in this Act but not exceeding \$10 for any one animal;

"For the care and sustenance of every head of swine, ten cents per day from date of mailing of notice to the owner or to the official gazette as provided for in this Act;

"For the care and sustenance of any head of cattle during the period from the fifteenth day of November in any year to the fifteenth day of April next following, seven cents per day from the date of mailing of notice to the owner or to the official gazette as provided for in his Act, but not exceeding in all the sum of \$7;

"For the care and sustenance of any goat or sheep during the period from the fifteenth day of November in any year to the fifteenth day of April next following, three cents per day from the date of mailing of notice to the owner or to the official gazette as provided for in this Act, but not exceeding in all the sum of \$3;

"For advertising in a newspaper the amount actually expended not exceeding \$1;

"For mileage to and from the place of sale, ten cents per mile for each mile necessarily travelled but not exceeding \$3;

"For postage the amount actually and necessarily expended.

"To the Justice.

"For preparing and posting notices of sale, \$1;

"For preparing application and administering oath, \$1;

"For postage and exchange or commission on transmission of proceeds of sale, the amount actually expended;

"Two and one-half per centum of the amount realised by the sale."

7. Clauses 1 and 2 of subsection (1) of section 11 of the said Ordinance are hereby repealed.

Clauses 1
and 2 of s.s.
(1) of
section 11
repealed

Clause 2 of
subsection
(1) of
section 11
amended

8. Clause 3 of subsection (1) of section 11 of the said Ordinance is hereby amended by striking out the word "five" wherever it occurs therein and substituting therefor the word "two."

Clause 4 of
s.s. (1) of
s. 11
amended

9. Clause 4 of subsection (1) of section 11 of the said Ordinance is hereby amended by striking out the words "or receives" where they occur therein.

Clause 8 of
subsection
(1) of
section 11
repealed;

10. Clause 8 of subsection 1 of section 11 of the said Ordinance is hereby repealed and the following substituted therefor:

"8. Being the finder of an estray animal neglects to comply with the provisions of sections 3 and 4 of this Ordinance or in sending the notice to the department provided for in section 4 of this Ordinance neglects to give the location on the animal of the brand or brands, if any, or neglects to furnish as accurate a drawing of the brand or brands, if any, as is possible."

S.s. (2) of
s. 11
repealed

11. Subsection (2) of section 11 of the said Ordinance is hereby repealed and the following substituted therefor:

New sub-
sec. (2)

"(2) The owner of any head of stock who neglects to remove the same from premises where it has been found within twenty days after the date of mailing of the registered notices provided for in section 3 of this Act shall be liable upon summary conviction to a penalty not exceeding \$1 for each day during which such neglect continues after the expiration of the said twenty days.

Form "A"
in schedule
amended

12. Form A in the schedule of the said Ordinance is hereby amended by striking out the word "six" where it occurs therein and substituting therefor the word "four."

1908

CHAPTER 11. ✓

An Act to amend The Steam Boilers Act.

[Assented to June 12, 1908.]

His Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Subsection (1) of section 2 of *The Steam Boilers Act* is hereby amended by inserting after the word "boilers" where it secondly occurs in the fifth line thereof the words "or battery of boilers." 1906, c. 15, ss. 1, s. 2 amended

2. Section 9 of the said Act is hereby amended by striking out the words "thirty-first day of January" where they occur in the second line thereof and substituting therefor the words "the last day of February." Section 9 amended

3. Section 11 of the said Act is hereby amended by adding thereto the following subsection: Section 11 amended

"(4) The inspector shall upon the completion of his inspection stamp upon every boiler a number; and the owner of every portable boiler shall at all times expose and keep exposed such number of figures not less than five inches in height on each side of such boiler." New subsection

4. Section 15 of the said Act is hereby repealed and the following section substituted therefor: Section 15 repealed

"15. No boiler which has been in use for two or more seasons shall be sold or exchanged for subsequent use as a boiler unless it is accompanied by an inspection certificate issued within one year next preceding the date of such sale or exchange." New section 15
Sale or exchange of boiler to be accompanied by inspection certificate

"(2) Nothing in the foregoing subsection shall affect any arrangements that may be made between a manufacturer and a purchaser in respect of an exchange of an old boiler in part payment for a new one and the subsequent sale of such rebuilt boiler or the retaking possession of a boiler under a lien and the subsequent sale thereof.

"(3) Any person, company or agent who sells or exchanges a boiler shall within thirty days after such sale or exchange notify the commissioner in writing by registered mail of

Commissioner to be notified of sale or exchange

such sale or exchange stating the name and address of the person to whom such boiler has been sold or exchanged and shall in case such boiler has been inspected by an inspector from and after the twenty-eighth day of February, 1907, state the number stamped on such boiler at such inspection by the inspector."

Section 17
amended by
adding
subsection
New
subsection
(2)

5. Section 17 of the said Act is hereby amended by adding thereto the following subsection:

"(2) In order to satisfy himself as to the thickness of the plate or its internal condition the inspector may cut holes or may order holes to be cut in the same and in the latter case the owner shall forthwith see that such orders are complied with."

Subsection 2
of section
18 repealed

New
subsections
(2) and (3)

6. Subsection (2) of section 18 of the said Act is hereby repealed and the following subsections substituted therefor:

"(2) Before a stationary boiler is subjected to the hydrostatic test the owner or operator shall see that it is opened for inspection, the man hole and hand hole plates removed, the flues cleaned and all soot removed; and in the case of a portable boiler the owner or operator shall see that the furnace grates and straw burners are taken out and the fire box thoroughly cleaned.

Penalties
for non-
compliance

"(3) Should any owner refuse or neglect to have the above provisions complied with the inspector may have the work done at the expense of the owner."

Section 19
repealed

7. Section 19 of the said Act is hereby repealed and the following section substituted therefor:

New
section 19
Boilers
to be
constructed
according to
depart-
mental
regulations
Rating
standard

"19. Every new boiler sold or exchanged for use within the province from and after the first day of January, 1910, shall be constructed in accordance with specifications set forth in the regulations issued by the department.

"(2) For the purposes of rating boilers in accordance with this Act the standard shall be: One horse power for each twelve feet of heating surface on all stationary and return tubular boilers or for each nine square feet of heating surface on all boilers of locomotive type."

(3) 1909 p 251

Section 24
repealed

8. Section 24 of the said Act is hereby repealed and the following section substituted therefor:

New
section 24

"24. In subjecting boilers to hydrostatic pressure the inspector shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working pressure of new boilers of forty-four inches in diameter made of the best manner of plates one-fourth of an inch thick of good materials and triple riveted showing an efficiency of eighty per cent."

9. Section 25 of the said Act is hereby repealed and the following section substituted therefor: Section 25 repealed

"25. Inspectors shall rate the working pressure of all boilers according to their strength as compared with the standard provided in the next preceding section taking into account the workmanship of the boilers and the materials of which they are constructed, the strength of each part being calculated according to the formulæ set forth in the specifications of the department; but the working pressure allowed in the operation of any boiler shall be in the ratio of one hundred pounds safe working pressure to one hundred and fifty pounds hydrostatic test pressure to which it was subjected at the time of the inspection." New section 25
Working pressure and the rate

10. Subsection (2) of section 29 of the said Act is hereby amended by striking out the word "second" where it occurs in the second line thereof. Subsection (2) of section 29 amended

11. Section 31 of the said Act is hereby amended by repealing subsection (2) thereof and substituting therefor the following subsections: Section 31 amended

"(2) Final certificates issued under the provisions of this Act shall be divided into three classes, namely into first, second and third. Classification of final certificates

"(3) Any person who holds or has held a provisional certificate or who can prove to the satisfaction of the commissioner that he has had extensive experience as an operator of a steam boiler may be allowed to write for a third class certificate. Qualifications for a third class certificate

"(4) Any person who can prove to the satisfaction of the commissioner that he has had at least twelve months' experience as chief engineer of a stationary boiler of not less than thirty-five horse power or as assistant engineer of a boiler of higher capacity than fifty horse power may be allowed to write for a second class certificate. Qualification for a second class certificate

"(5) Any person who can prove to the satisfaction of the commissioner that he has served for twelve months as chief engineer of a boiler of not less than one hundred horse power or as assistant engineer of a boiler of a higher capacity than three hundred horse power may be allowed to write for a first class certificate. Qualifications for a first class certificate

"(6) No person shall write for a first or second class certificate unless he is of the full age of twenty-one years nor for a third class certificate unless he is of the full age of eighteen years. Age qualification

"(7) Any person who fails at an examination for a final certificate shall before presenting himself for reexamination Procedure in case of failure Reexamination

serve three months or one threshing season as chief or assistant engineer according to the requirements of this section and shall produce a statement from the owner by whom he was employed during that time showing that his services were satisfactory."

Section 32
repealed

12. Section 32 of the said Act is hereby repealed and the following section substituted therefor:

New
section 32

"**32.** A third class certificate shall be issued to every candidate for such certificate who receives forty per cent. of the marks obtainable on the paper written on by him and he shall while holding such certificate be allowed to have sole charge of any boiler of not more than fifty horse power or may act as assistant in the operation of a boiler of not more than two hundred horse power, provided that the holder of a first or second class certificate is in actual charge of such boiler.

Third class
certificate

Second
class
certificate

"(2) A second class certificate shall be issued to every candidate for such certificate who receives fifty per cent. of the marks obtainable on the paper written on by him and he shall while holding such certificate be allowed to have sole charge of any boiler of not more than three hundred horse power or may act as assistant in the operation of a boiler of a higher capacity provided that the holder of a first class certificate is in actual charge of such boiler.

First
class
certificate

"(3) A first class certificate shall be issued to every candidate for such certificate who receives sixty per cent. of the marks obtainable on the paper written on by him and he shall while holding such certificate be allowed to have charge of boilers of any capacity.

Provision
for
candidate
for second
class
certificate

"(4) If a candidate for a second class certificate receives less than fifty per cent. and more than thirty-five per cent. of the number of marks obtainable he may be granted a third class engineer's certificate if not already in possession of one."

1908 ✓

CHAPTER 12.

An Act to amend The Public Works Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Subsection (2) of section 39 of *The Public Works Act* 1906, c. 10, s. 39, ss. 2, repealed is repealed and the following substituted therefor:

“(2) Such claimant if dissatisfied with the decision of the commissioner may within sixty days after being notified as aforesaid of the decision of the commissioner give notice in writing to the commissioner which may be by registered letter that he will submit the claim to arbitration and the claim shall thereupon be submitted by the commissioner to arbitration and such arbitration shall be by one arbitrator who shall be the judge of the district court of the judicial district in which the public work or any part thereof is or is to be situated and all the provisions of *The Arbitration Ordinance* shall apply to such arbitration; if for any reason such judge is unable to act the attorney general shall name any district court judge to act as such arbitrator.” New subsection

2. Subsection (5) of section 39 of the said Act is amended S. 39, ss. 5 amended by striking out the word “arbitrators” in the second line thereof and substituting therefor the word “arbitrator.”

3. Subsection (8) of section 39 of the said Act is repealed S. 39, ss. 8 repealed and the following substituted therefor:

“(8) In estimating the amount to which the claimant is entitled the arbitrator shall consider and find separately as to the following: New subsection

“(a) The value of the land taken and all improvements thereon;

“(b) Damage if any to the remaining property of the claimant;

“(c) The original cost only of any extra fencing which may be necessary by reason of the taking of the land, cost of fencing to be computed at the rate of \$150 per mile;

“(d) If the value of the remaining property of the claimant is increased by reason of the construction of the public work through his property or by the extension of the same in either direction or by the construction of any other public work in connection therewith the increase of value shall be deducted from the amount so estimated and found and the balance, if any, shall be the amount awarded to the claimant.”

S. 62
repealed

4. Section 62 of the said Act is hereby repealed.

✓ 1908

CHAPTER 13.

An Act to amend The Local Improvements Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Clauses 1 and 2 of section 2 of *The Local Improvements Act* are hereby repealed and the following substituted therefor: 1908, c. 26, s. 2, cl. 1 and 2 repealed new clauses 1 and 2 Commissioner Department

"1. 'Commissioner' means the municipal commissioner;

"2. 'Department' means the department of the municipal commissioner."

2. Sections 3, 4, 8, 9, 11, 15, 71, 92 and 93 of the said Act are hereby amended by striking out the words "Lieutenant Governor in Council" wherever they occur in said sections and substituting therefor in each instance the word "commissioner." Sections 3, 4, 8, 9, 11, 15, 71, 92 and 93 amended

3. Section 12 of the said Act is hereby amended by inserting after the word "specified" in the third line thereof the words "and who has paid all taxes due by him to the district." Sec. 12 amended

4. Section 18 of the said Act is hereby repealed and the following substituted therefor: S. 18 repealed new section

"18. At any election all persons over the age of eighteen years who are owners or occupants of ratable land in the division and who have paid all taxes due by them to the district shall be entitled to vote." Qualification of elector

5. Section 20 of the said Act is hereby repealed and the following substituted therefor: S. 20 repealed new section

"20. At the first and all subsequent elections the returning officer shall at the time and place mentioned in the notice of the election as herein provided proceed to the election and shall open a poll which shall remain open for two hours and a declaration as to the result of the election shall be made by the returning officer as soon as possible after the expiration of such two hours and before the returning officer leaves the room where the polling has taken place."

S. 21
amended

6. Section 21 of the said Act is hereby amended by inserting at the commencement thereof the words "At the first and all subsequent elections."

S. 25, ss. 5
repealed

7. Subsection (5) of section 25 of this Act is hereby repealed and the following substituted therefor:

Council may
provide for
election by
ballot

"(5) The council may by resolution provide for the holding of an election by ballot and in such case form B shall be signed by the elector before voting."

S. 25
amended:
new
subsection
added

(2) Section 25 of the said Act is hereby amended by adding thereto the following as subsection (6) thereof:

Nominations

"(6) At all elections nominations shall be received only during the first half hour of the time specified for the holding of elections and the voting shall proceed immediately after the expiration of such half hour."

S. 45, clause
10 amended

8. Clause 10 of section 45 of the said Act is hereby amended by striking out all the words after the word "vicinity" in the fourth line thereof.

S. 82
amended

9. Section 82 of the said Act is hereby amended by striking out all the words after the word "effected" in the fifth line thereof and substituting therefor the words "by order of the commissioner."

S. 84
amended
ss. 5 added

10. Section 84 of the said Act is hereby amended by adding thereto as subsection (5) thereof the following:

Secretary
treasurer
to cease
collection
of arrears
on notice of
forfeiture
proceedings

"(5) Provided that the secretary treasurer shall cease to collect arrears when notified by the commissioner that forfeiture proceedings in respect of lands in his district have been commenced."

S. 85
amended

11. Section 85 of the said Act is hereby amended by striking out the words "the supreme" in the second line thereof and inserting in lieu thereof the words "a district."

S. 86, ss. 1,
amended

12. Subsection (1) of section 86 of the said Act is hereby amended by striking out the words "for over two years" in the eighth line thereof and inserting after the word "adjudication" in the twelfth line thereof the words "when registered as hereinafter provided" and striking out the words "the Crown for public use of the province" in the twelfth and thirteenth lines thereof and by inserting in lieu thereof the words "his Majesty in the right and to the use of his province of Saskatchewan" and by inserting after the word "lands" in the said thirteenth line "freed from all liens, mortgages and incumbrances of any nature and kind whatsoever."

13. Subsection (5) of the said section 86 is hereby amended by inserting therein after the word "be" in the second line thereof the word "forthwith" and by striking out the words "and such copy shall be notice to the public of the facts therein contained" in the fourth and fifth lines thereof and inserting in lieu thereof the words "and it shall be the duty of the registrar to register the same against the lands therein named."

S. 86. ss. 5 amended

14. The said section 86 is hereby further amended by adding thereto the following as subsection (6) thereof:

S. 86 amended: new ss. 6 added

"(6) A copy of the said adjudication shall also be sent by registered mail to the persons to whom by subsection (2) of section 85 of this Act notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as herein provided."

Copy of adjudication to be sent to persons entitled to statutory notice

15. Section 88 of the said Act is hereby repealed and the following substituted therefor:

S. 88 repealed: New section

"88. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 86 hereof have been paid to the commissioner within one year from the date of said adjudication the commissioner shall issue to the person paying the taxes a certificate in form G in the schedule to this Act which certificate shall on presentation to the registrar of the land registration district in which the lands named therein are situated be registered by him free of charge and without proof of the signature thereto and the said certificate when so registered shall discharge and release the said lands from the said adjudication and the effect thereof.

Procedure on redemption

"(2) If the said certificate of redemption has not been received by him as aforesaid the registrar shall on the request of the commissioner issue free of charge a certificate of title to the lands not so redeemed in favour of his Majesty in the right and to the use of his province of Saskatchewan."

Issue certificate of title to his Majesty

16. Section 90 of the said Act is hereby amended by adding thereto the following as clause 6:

S. 90 amended: clause 6 added

6. The land held by or for the use of any agricultural society.

Agricultural Society

17. The said Act is hereby amended by inserting therein as section 44a the following:

New section 44a added

"44a. Every council may appoint from time to time such inspector or inspectors as in the opinion of the council may be required to carry out and enforce within its district the

Weed inspector

provisions of *The Noxious Weeds Ordinance* and every inspector so appointed shall have all the powers and shall perform all the duties of an inspector appointed in accordance with the provisions of the said Ordinance and shall be subject to the supervision and direction of the chief inspector appointed under the said Ordinance and shall be paid such remuneration as the council may fix.

"(2) Every fine, penalty and forfeiture imposed by the said Ordinance for the violation of any of its said provisions shall be payable to the district whose inspector takes the necessary steps to recover such fine, penalty or forfeiture, as the case may be.

"(3) Notice of the appointment of any inspector as herein provided shall forthwith be transmitted to the commissioner of agriculture."

Form A
amended

18. Form A in the schedule to the said Act is hereby amended by inserting after the word "due" where it appears therein the words "by him to" and by striking out the words "against such land" where they appear therein.

Form B
amended

19. Form B in the schedule to the said Act is hereby amended by inserting after the word "due" where it appears therein the words "by him to" and by striking out the words "against such land" where they appear therein.

Form E
repealed:
new
Form E

20. Form E in the schedule to the said Act is hereby repealed and form E in the schedule hereto is substituted therefor.

Coming into
force of
this Act

21. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act or any part thereof shall become and be in force and the said Act or such part thereof shall on and after such day so declared become and be in force.

SCHEDULE.

New Form E

FORM E.

Local Improvement District
Division No.

(Give full description of the area included in division.)

Public notice is hereby given that a meeting of the electors of the division aforesaid will be held at (*description of place*)

on Monday the day of January, 19 at 2 o'clock
p.m. when from 2 o'clock until 2.30 o'clock p.m. names will
be received in nomination and from 2.30 o'clock aforesaid
until 4 o'clock p.m. a poll shall be open and held for the elec-
tion of a councillor for said division for the current year.

Dated at this day of 19 .

.....
Returning Officer.

FORM G.

Certificate
of
redemption

The Local Improvements Act.

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:
as to which an adjudication, under the provisions of section
86 of *The Local Improvements Act*, bearing date the
day of , was made by His Honour ,
judge of the District Court of the Judicial District of ,
in the Province of Saskatchewan, have been under the provi-
sions of the said section redeemed and the said lands are there-
fore discharged and released from the said adjudication and
the effect thereof.

Dated at Regina in the Province of Saskatchewan this
day of , 19 .

Witness:

.....
Commissioner of Public Works
(or Municipal Commissioner).

1908

CHAPTER 14.

An Act respecting the Sale of Intoxicating Liquor and the Issue of Licenses therefor.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Liquor License Act.*"

INTERPRETATION.

Interpreta- tion Board,	2. In this Act unless the context otherwise requires: 1. The expression "board" means the board of license commissioners;
District,	2. The expression "district" means a license district;
Householder	3. The expression "householder" means the owner or occupant in his or her own right of a dwelling house who has been actually resident therein for a space of ninety days immediately prior to the time of his or her signing any recommendation for or protest against the granting of a license; but such expression does not extend to any boarder or lodger merely; in the event of more than one owner or occupant residing in one dwelling house each of such owners or occupants in his or her own right who has been actually resident therein for the time aforesaid shall be considered a householder; husband and wife being together in a dwelling house during the time hereinbefore mentioned shall not each be considered a householder but the husband or wife, as the case may be, who is such owner or occupant and being resident for the time hereinbefore mentioned shall alone be considered the householder:

Provided that where the husband (being the householder) has not signed and the wife has signed such recommendation or protest her signature shall be taken as that of a householder where it is shown to the board by a solemn declaration made by the wife that at the time she so signed her husband was absent from the license district and had been continuously absent therefrom for the period of at least

thirty days immediately prior to the time she so signed: and

Provided further that where the wife (being the householder) has not signed and the husband has signed such recommendation or protest his signature shall be taken as that of a householder where it is shown to the board by a solemn declaration made by the husband that at the time he so signed his wife was absent from the license district and had been continuously absent therefrom for the period of at least thirty days immediately prior to the time she so signed;

4. The expression "dwelling house" means an actual ^{Dwelling house} separate dwelling with a separate door for ingress and egress;

5. The expression "justice" means a justice of the peace; ^{Justice}

6. The expression "hotel license" means and includes ^{Hotel license} every license granted for the sale by retail of fermented, spirituous or other liquors which may be consumed on the premises on which the same is sold whether hotel premises or not;

7. The expression "licensee" means a person holding a ^{Licensee} license under this Act;

8. The expression "person" includes every member of a ^{Person} firm and the servant, office holder, agent of a company, association or body of persons whether incorporated or not;

9. The expression "licensed premises" means the premises ^{Licensed premises} in respect of which a license under this Act has been granted and is in force and extends to every room, closet, cellar, yard, stable, outhouse, shed or any other place whatsoever of, belonging or in any manner appertaining to such house or place;

10. The expression "liquor" or "liquors" means and ^{Liquor, liquors} comprehends all spirituous and malt liquors and all combinations of liquors and drinkable liquors which are intoxicating;

11. The expression "public bar" or "bar" means and ^{Public bar, bar} includes any room, passage or lobby in any licensed premises into which the public may enter and purchase liquors;

12. The expression "inspector" means a license inspector ^{Inspector} appointed by the Lieutenant Governor in Council; and within the limits of an incorporated city, town, village or rural municipality which has appointed an inspector under the provisions of this Act also includes the inspector so appointed;

13. The expression "sale by retail" means the sale of a ^{Sale by retail} quantity not to exceed half a gallon at any one time of ale, beer or porter or one quart of wine or spirits;

14. The expression "rural locality" means a place ^{Rural locality} containing not less than fifteen dwelling houses within an

area not greater than 1,280 acres and not being a city, town or village or a part thereof;

License
year

15. The expression "license year" means the period of time beginning on the first day of July and ending on the thirtieth day of June following. C.O., c. 89, s. 2; 1900, c. 32, s. 2; 1907, c. 31, ss. 1, 2 and 18.

16. 17. 18. 1909 p 261

EXCEPTIONS FROM APPLICATION OF ACT.

Application
of Act
limited
Manufacturers of
native wine

3. Nothing in this Act shall apply:

1. To manufacturers of native wine from fruits grown and produced in Canada and who sell such wines in quantities of not less than one gallon or less than two bottles of three half pints each at one time at the place of manufacture;

Auctioneer
selling
liquor
forming
part of
insolvent
debtor's
estate

2. To any person who holds a license as auctioneer selling liquor at public auction:

Provided that the liquor being sold forms part of the property or estate of a debtor who has made an assignment for the benefit of his creditors and is named in the inventory thereof and offered for sale under instructions from the assignee for the benefit of such of the creditors of such debtor and that the stock of such liquors is not broken for the purpose of such sale and is not removed from the place in which such liquors were originally exposed under license;

Sale of beer
in R.N.W.M.
P. canteens

3. To the sale of beer in any canteen of the Royal North-West Mounted Police force established under proper authority; such sale shall be restricted to members of the Royal North-West Mounted Police force;

Judicial
sales

4. To the sale of any liquor by virtue of an execution or other judicial process;

Sale by
licensee
with
transfer

5. To a *bona fide* sale by a licensee of his stock of liquors in conjunction with a sale and transfer of his interest under the license;

Sale within
sixty days
by prior
licensee

6. To a *bona fide* sale to a licensee or licensees by a person who has been the holder of a license at any time within sixty days after his license has ceased to be in force;

Sale to
licensee by
personal
representa-
tive of
deceased
licensee

7. To a *bona fide* sale to a licensee by the personal representative of a deceased licensee at any time within sixty days after such decease;

Sale by mess
of militia

8. To the mess of any portion of the militia of Canada established under proper authority such sale to be restricted to members of the militia of Canada. C.O., c. 89, s. 3; 1901, c. 33, s. 1; 1904, c. 14, s. 1.

Brewers
and
distillers
licenses

4. Nothing in this Act shall prevent any brewer, distiller or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented or other liquors

from keeping or selling in such quantities as are hereby authorised any liquor manufactured by him:

Provided the building in which such liquors are kept forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorised to be manufactured under such license is sold by retail or wherein is kept any broken package of such articles; and

Provided also that such brewer, distiller or other person has applied for and obtained a license to sell by wholesale in the quantities hereinafter specified from the warehouse or place specified in such license.

(2) The licenses granted under this section shall authorise the sale of liquor in quantities of not less than three gallons in each cask or vessel at any time or where such sale is in respect of bottled liquor in quantities of not less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time. ^{Quantities that may be sold}

(3) The provisions of this Act as to applications for licenses and the proceedings thereon shall not apply to licenses granted under this section.

(4) Such license shall expire on the thirtieth day of June in each year and the fee payable therefor shall be \$210 or a proportionate part thereof. 1903 (1), c. 26, s. 17.

LICENSE DISTRICTS.

5. The Lieutenant Governor in Council shall establish districts for the purposes of this Act to be called license districts and may from time to time alter and redefine the same. C.O., c. 89, s. 4. ^{License districts}

BOARD OF LICENSE COMMISSIONERS.

6. There shall be one board of license commissioners for Saskatchewan to be composed of three persons to be appointed from time to time by the Lieutenant Governor in Council and each of them shall cease to hold office on the thirty-first day of December in each year subject however to removal at any time before that date at the pleasure of the Lieutenant Governor in Council; but such persons or any of them may be reappointed. ^{One board of license commissioners for Saskatchewan}

(2) The said board shall upon appointment elect one of their number to act as chairman and one to act as secretary.

(3) Every person so appointed shall forthwith after his appointment and before performing any of the duties of his office take and subscribe the following oath or affirmation: ^{Oath of office}

I, (*name in full*) do hereby solemnly swear (*or affirm*) that I will faithfully perform my duty as license commissioner for the province of Saskatchewan.

The said oath or affirmation shall be forthwith sent by the respective commissioners to the attorney general.

Remuneration, etc.

(4) The remuneration of the commissioners shall be fixed by the Lieutenant Governor in Council and the attorney general shall have power to make regulations governing the duties, sittings and the procedure of the board not inconsistent with this Act. 1907, c. 31, s. 4.

INSPECTORS.

Appointment of chief license inspector

7. The Lieutenant Governor in Council may appoint and fix the salary of a chief license inspector for the province who shall hold office during pleasure and who shall perform such duties and shall be entrusted with such powers as may be prescribed by the attorney general; and such inspector shall have throughout Saskatchewan all the powers conferred by this Act on an inspector. 1907, c. 31, s. 5.

Appointment of license inspectors

8. The Lieutenant Governor in Council may appoint one or more license inspectors for any license district or for the province and shall fix their salaries or fees and prescribe their duties. C.O., c. 89, s. 7.

Inspectors to visit licensed places when directed

9. It shall be the duty of every inspector from time to time when directed by the attorney general to visit and inspect every licensed place within the district and to report forthwith to him every case of infraction of the provisions of this Act; and every inspector shall at once and in conformity with the provisions herein contained prosecute any person so offending and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution. C.O., c. 89, s. 8.

Inspector to lay information and prosecute

10. In case any person gives to an inspector information justifying the prosecution of any person for any offence against this Act it shall be the duty of the inspector to lay the information in his own name and prosecute. C.O., c. 89, s. 10.

Incorporated cities, towns, etc., may appoint an inspector

11. The council of any city, town, village or rural municipality at the annual meeting or at any special meeting called for that purpose may by bylaw or resolution appoint an inspector or inspectors of licenses who shall have all the powers conferred by this Act upon inspectors within the limits of such city, town, rural municipality or village; and in case any person is convicted of an offence against any of the provisions of this Act through the action of such

inspector the provincial treasurer shall pay to such city, town, rural municipality or village one half of any fine recovered through such conviction. C.O., c. 89, s. 11; 1900, c. 32, s. 5.

(2) A certified copy of every such bylaw or resolution shall forthwith after the passing thereof be forwarded to the attorney general.

LICENSES.

12. Subject to the provisions of section 4 of this Act ^{Kind of licenses} respecting the issue of a license to a brewer or distiller licenses shall be either:

- (a) Hotel;
- (b) Wholesale; or
- (c) Commercial travellers.

(2) All licenses shall be issued and signed by the attorney ^{Licenses to be issued by the attorney general} general and shall be in forms F, G and H respectively in schedule 1 to this Act.

(3) Under a wholesale license the licensee may sell and dispose of liquors in the warehouse, store, shop or place defined in the license in quantities of not less than one-half gallon in each cask or vessel and in case of such selling by wholesale as in respect of bottled ale, beer, porter, wine or other fermented or spirituous liquors each such sale shall be in quantities not less than one reputed quart bottle or two reputed pint bottles and no liquors sold under a wholesale license shall be consumed in or upon the house or premises in respect of which the license is granted; and no liquor whether the same be sold, given as a sample or disposed of in any manner whatever shall be consumed in or upon such house or premises; and in case of any conviction against a wholesale licensee for allowing liquors to be consumed in or upon such house or premises such licensee shall *ipso facto* forfeit his license or licenses and no new license shall thereafter be granted to such licensee in the license district in which such licensed premises are situate. ^{Wholesale license}

(4) No business other than a liquor business and the sale ^{Wholesale license limited} of cigars and tobacco shall be carried on upon any premises covered by a wholesale license. C.O., c. 89, s. 12.

13. Under a commercial traveller's license a commercial ^{Authority under license} traveller or commercial agent therein named representing principals who carry on business outside Saskatchewan may take orders in Saskatchewan for liquor to be imported or shipped into Saskatchewan to fill orders taken by such commercial traveller or agent therein; but the same shall in no wise be considered as authorising either such principal, traveller or agent to keep a stock of liquor in Saskatchewan.

(2) Such license shall authorise the sale of liquor in quantities of not less than five gallons in each cask or vessel at any one time or where such sale is in respect of bottled liquor in quantities of not less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time.

The principal to apply for commercial traveller's license

(3) The provisions of this Act as to applications for licenses and the proceedings thereunder shall not apply to a commercial traveller's license but such license may be granted on the written application of the principal who shall furnish with the application the name of the person who is to take such orders under such license; the license shall be in form H in the schedule to this Act and the fee payable on the issue thereof shall be \$210.

Duration of license

(4) Such license shall expire on the thirtieth day of June in each year.

Principal may name another traveller or agent

(5) Such license may from time to time on the application of the principal be changed by a substitution of names by the attorney general in favour of a commercial traveller or agent of the principal other than the one who for the time being is authorised to take orders under such license; the application for such change of name shall be in writing and shall state the name of the commercial traveller or agent desired to be so substituted; the fee payable on each such change shall be \$10.

Transfer by principal of the license in conjunction with a sale of his business

(6) In the event of a sale of his business by the principal during the currency of such license the principal with the written consent of the attorney general may make a transfer of the license to the purchaser of such business; and upon the payment of a fee of \$10 the purchaser may be entered in the license records as the owner of such license:

Provided however that such transfer shall not take effect until the written consent of the attorney general is indorsed on the license; and provided further that if the purchaser desires the benefit of the license to enure in favour of a commercial traveller or agent other than the one then authorised to take orders under said license he shall comply with the provisions of subsection (5) of this section.

Travellers or agents to produce license upon demand of inspector

(7) It shall be the duty of every commercial traveller or agent who for the time being is authorised under such license to take orders as aforesaid immediately to produce the same for inspection upon demand made upon him for the production of same by any inspector.

Penalties for taking orders without a license, etc.

(8) Any commercial traveller or agent who solicits for or takes any orders within Saskatchewan for liquor to be supplied from any point outside Saskatchewan without being authorised by license as provided by this section or who neglects or fails immediately upon demand of an

inspector to produce a commercial traveller's license authorising him to take such orders shall for every such offence be liable to the penalty prescribed by section 86 of this Act and the principal shall not recover on any claim for liquor sold or be allowed to set off or counterclaim for any charge for liquor supplied under such unauthorised order or orders; and all specialties, bills, notes, agreements or accounts stated, given or made in whole or in part for or to secure any claim or charge as aforesaid shall be void. 1901, c. 33, s. 20.

14. Licenses may be issued in the name of a copartnership ^{License may be issued in name of co-partnership} when two or more persons are carrying on business in the same name but a separate license shall be required in every separate place of business of such firm.

(2) A license granted to any firm or partnership shall ^{Dissolution of partnership} without any formality enure to the benefit of the remaining partner or partners continuing to carry on the business in the event of the withdrawal or removal of any of them by dissolution or any other determination of the partnership.

(3) Each member of a licensed partnership shall be liable ^{Each member of firm liable} to the penalties imposed against licensees for breach of the provisions of this Act.

(4) For the purposes of the consequences of any conviction ^{Effect of conviction against member of firm} under this Act a conviction against any person who is a member of a licensed partnership whether made while he is a member of such partnership or prior thereto shall have the same effect as if such conviction had been against each member of the said partnership.

(5) No license shall be granted in the name of one member ^{No license to member of firm} only of a partnership and any license so granted shall be void. C.O., c. 89, s. 13; 1903 (1), c. 26, s. 1.

15. Any incorporated company may become a licensee or ^{Incorporated company may become licensee} licensees in any district under the provisions of this Act and in such cases all acts required under the provisions of this Act to be done by any person as licensee whether prior to or after the granting of a license may be done in the name of the company by the officer or agent of the said company in charge of the particular premises for which the license is to be or shall have been granted who personally shall be liable as licensee as well as the said company in respect of the offences and penalties under this Act. C.O., c. 89, s. 14; 1900, c. 32, s. 6. ^{Officer or agent may act}

16. Any railway company may obtain a special license ^{Special license to railway company} from the attorney general to sell liquor on its dining cars attached to any train upon the line of its railway and shall

pay therefor the sum of \$100 to the provincial treasurer and such licenses shall expire on the thirtieth day of June in each year.

(2) The general provisions of this Act as to applications for licenses and the proceedings thereon shall not apply in the case of applications for license under this section. C.O., c. 89, s. 17.

License to
be a license
only to
person
named
therein

17. Subject to the provisions of this Act as to the death of the licensee, removals and the transfer of licenses every license for the sale of liquor shall be held to be a license only to the person named therein and for the premises therein mentioned and shall remain valid only as long as such person continues to be the true owner of the business and is either:

- (a) The true owner of the said premises; or
- (b) The lessee thereof in his own right for the period covered by the license. C.O., c. 89, s. 19.

Disqualified
persons
ineligible

18. No license shall be granted to any person declared in pursuance of this Act to be a disqualified person during the continuance of such disqualification and any license issued to a person so disqualified shall be void. C.O., c. 89, s. 20.

Commis-
sioner or
inspector
cannot
obtain
license

19. No license shall be granted under the provisions of this Act to or for the benefit of any person who is a license commissioner or license inspector and any license so issued shall be void. C.O., c. 89, s. 21.

Premises
owned by
commis-
sioner or
inspector
not
licensed

20. No license shall be issued under the provisions of this Act for premises within any district of which a member of the board or the inspector of such district is the owner or part owner; and any license so issued shall be void. C.O., c. 89, s. 22.

No license
to a
married
woman

21. No license shall be granted to any married woman. 1903, c. 26, s. 3.

24a. 1909 p 261

Number of
licenses
limited

22. The number of hotel licenses to be hereafter granted in the respective municipalities hereinafter mentioned shall not in any one license year be in excess of the following limitations: In cities, towns, villages, one for the first 300 or less of population; two where the population is in excess of 300 but does not exceed 750; three where the population is in excess of 750 but does not exceed 1,500; four where the population is in excess of 1,500 but does not exceed 2,500; and where the population exceeds 2,500 four for the first 2,500 and one for each additional 1,500 or fraction thereof of population of such city, town or village respectively:

Provided that nothing herein contained shall be deemed to ^{Provide} cancel or prevent the renewal or transfer for or during the license year next following the coming into force of this Act and for a further period not to extend beyond the thirty-first day of December, 1909, of any license recommended or issued prior to the coming into force of this Act but the number of licenses shall thereafter be limited to the number provided for by the first paragraph of this section.

(2) No application for an hotel license shall hereafter be entertained in respect of any premises which are not situated ^{Where hotel licenses may not be granted} in some city, town or village:

Provided however that nothing herein contained shall be deemed to cancel or prevent the renewal or transfer of any hotel license recommended or issued prior to the coming into force of this Act situate in a rural locality.

23. No application for a wholesale license shall be enter- ^{Where wholesale licenses may be granted} tained in respect of any premises which are not situated in some city or town having a population of one thousand or more.

(2) The number of wholesale licenses to be hereafter granted in cities and towns shall not in any one license year be in excess of one for the first 1,000, two for the first 2,500, three for the first 7,000, four for the first 15,000 and five for the first 30,000 of the population:

Provided that nothing herein contained shall be deemed to ^{Provide} cancel or prevent the renewal or transfer for or during the license year next following the coming into force of this Act and for a further period not to extend beyond the thirty-first day of December, 1909, of any wholesale license recommended or issued prior to the coming into force of this Act but nevertheless in any such city or town where the number of licenses heretofore recommended or granted is in excess of the number limited by this section no new license shall be granted until the population of such city or town shall comply with this section.

ACCOMMODATION REQUIRED IN LICENSED HOTELS.

24. Every licensed hotel shall contain in addition to what ^{Hotel accommodation} is required for the use of the licensee, his family and servants, the number of bedrooms following, that is to say:

- (a) In cities and towns at least twenty-five rooms;
- (b) In villages and rural localities at least fifteen rooms;

and in every case a suitable complement of bedding and furniture.

(2) Every licensed hotel shall have two public sitting ^{sitting rooms} rooms separate and distinct from the bar room.

Accommodation for serving meals

(3) Every licensed hotel shall be provided with suitable and sufficient appointments and appliances for serving meals daily to guests and travellers.

Privies

(4) Every licensed hotel must at all times be provided with a sufficient number of suitable privies which shall at all times be kept sanitarily clean and properly heated; and in all cities or towns where a general sewerage system is in operation all such hotels located therein shall have a sufficient number of inside privies properly connected with such sewerage system; and where a sewerage system is not in operation a sufficient number of suitable inside privies shall be maintained in all licensed hotels therein; the number, condition and location of all privies in licensed hotels shall be subject to the approval of the inspector.

Bedding

(5) The premises, furniture, bedding and other appointments of every licensed hotel shall at all times be kept clean.

Nonobservance to be an offence

(6) The nonobservance of any of the provisions of this section shall be an offence and a violation of this Act. C.O., c. 89, s. 24; 1903, c. 26, s. 4; 1907, c. 31, s. 6.

(7) 1908-9 p 143

FIRE PROTECTION.

25. Every licensed hotel shall be provided with:

Fire escape

(a) Suitable fire escapes;

Ropes in bedrooms

(b) Proper ropes and fastenings therefor in each bedroom;

Fire escape signs in halls and corridors

(c) Signs printed in large letters containing directions to the location of fire escapes which signs shall be placed and at all times kept in conspicuous places in all the halls and corridors in the licensed premises;

Plan in rooms showing fire escapes, etc.

(d) A plan of all floors showing the location of stairs and fire escapes such plan to be kept at all times exhibited on one of the walls of each bedroom;

Fire extinguishers

(e) Fire extinguishers to the number and of the quality or kind approved of by the inspector to be kept at all times in accessible places in the halls and corridors of each flat.

Electric light to be kept burning at night

(2) Where an electric light is installed lights shall be kept burning at night in each hall and corridor.

Escapes etc., to be subject to approval

(3) The above mentioned fire escapes and other appliances and the efficiency, condition and location thereof shall at all times be subject to the approval of the inspector and in places having a fire brigade the same shall be further subject to the approval of the chief of such brigade.

(4) The nonobservance of any of the provisions of this section shall be an offence and a violation of this Act. 1907, c. 31, s. 7.

APPLICATIONS AND PROTESTS.

26. Except as provided in section 4 of this Act no whole-sale or hotel license shall be issued unless recommended by the board. C.O., c. 89, s. 25. Licenses, how issued

27. The board shall sit at such places and at such dates as may be arranged and notified to them by the attorney general to receive and dispose of applications for licenses and to hear and decide upon protests. 1907, c. 31, s. 8. Meetings of board

28. At any meeting the board may adjourn the hearing of any application or any protest to any other place and time to be fixed by the board. Board may adjourn meeting

29. If from any cause the majority of the board fails to be present on the day fixed for a meeting or at any adjournment of a meeting the said meeting or adjourned meeting shall stand adjourned from day to day until a majority shall be present to hold such meeting. C. O., c. 39, s. 27; 1900, c. 32, s. 7. Board may adjourn meeting if majority not present

30. Every application for a license shall be by petition in form A in schedule 1 hereto and such application and also the recommendation in form B in schedule 1 hereto and the affidavits in forms C and D in schedule 1 hereto shall be sent to the attorney general along with the sum of \$10 so that it may reach him on or before the first day of March; on receipt of the same a receipt for such sum shall be sent to the applicant. Application for licenses

(2) No application shall be complete until the petition, recommendation (where required), the affidavits and the sum of \$10 above provided for have been received by the attorney general.

(3) The recommendation (form B in schedule 1 hereto) shall not be required in the case of any application for a license in an incorporated city or town. C.O., c. 89, s. 28.

31. As soon as possible after the first day of March in each year the attorney general shall advertise by one insertion in a newspaper in each locality for which applications have been received by him or as near such locality as possible a list of all such applications received for such locality showing the name of each applicant, the class of license applied for and a description of the proposed licensed premises by name or otherwise together with a notice of the time and place of the meeting of the board to be held to consider such applications; at least twenty-four days shall intervene between the publication of the advertisement and the date of such meeting; and a notice containing similar information shall be fixed to the Advertisement of applications

outer door of the building where the board is to sit and be sent to the postmaster nearest to the proposed licensed premises to be posted up in the post office; and the attorney general shall also send to an inspector a list of all applications made in his district and upon receiving such list such inspector shall inspect the premises of each applicant named and make the report provided for in this Act; such reports shall be produced to the board at the meeting of the board at which the application is to be heard. C.O., c. 89, s. 29.

Papers to
be sent to
the board

32. The attorney general shall attach all the papers relating to each application together and transmit them together with a statement showing all convictions under this Act against any applicant to the board for consideration at the meeting of the board. C.O., c. 89, s. 30.

Secretary
of board
to return
papers to
attorney
general
with board's
certificate

33. After the meeting of the board the secretary of the board shall return the said papers to the attorney general with a certificate signed by at least a majority of the board present at the meeting showing whether the license is recommended or not and if not recommended stating the reason or reasons. C.O., c. 89, s. 31.

Attorney
general
to notify
successful
applicant

34. Upon receipt of the papers and certificates the attorney general shall notify each successful applicant that he is required to send to the attorney general on or before the tenth day of June:

License
fee and
prosecution
fund

- (a) The amount of the provincial license fee together with the sum of ten dollars in addition as a prosecution fund; and
- (b) Where the premises to be licensed are within an incorporated city, town, rural municipality or village which has provided by bylaw for the payment of a license fee under subsection (2) of section 47 hereof a certificate (which shall be furnished free of charge) from the municipal clerk or treasurer of the payment of such fee.

Licenses to
be sent

(2) Upon receipt of said moneys and certificate (where required) a receipt for the same shall be transmitted to the applicant along with the license recommended. C.O., c. 89, s. 32.

Applica-
tions at
other times

35. Any person desiring to obtain a license at any other time than as above provided may send to the attorney general his application in the forms provided in section 31; the attorney general upon receipt of the application shall calculate the expense of calling the board together, of the inspection of the premises and of advertising the application and shall notify the applicant that his application will not be consid-

ered until the amount so estimated for the expense of calling the board together, of inspection of the premises and of advertising has been received by the attorney general; upon receipt of such amount the attorney general shall arrange for the advertising of the application (which advertisement shall be for the time and in the manner set forth in section 32), the inspection of the premises and the calling together of the board at a convenient time to deal with the application:

Provided that in case more than one application is heard at the same time by the board the expense shall be divided *pro rata* among the applicants.

(2) The provisions of sections 31 to 34 inclusive shall so far as applicable apply to applications under this section. C.O., c. 89, s. 33.

36. Any existing licensee may apply for the renewal of his license for the same premises for another term. In case the application is in respect of any premises situate in a village or rural locality the recommendation in form B in schedule 1 hereto shall not be required unless since obtaining such recommendation he has been convicted of an offence under this Act. C.O., c. 89, s. 34.

37. All license moneys and fees payable under this Act shall be paid to the attorney general and shall be by him paid into the general revenue fund of the province. C.O., c. 89, s. 35.

(2) The amount estimated by the attorney general for expenses as provided in section 35 hereof when received shall be deposited and retained in a trust account until the actual expenses incurred are ascertained when the amount of such actual expenses shall be paid to the persons entitled and the balance, if any, shall be refunded to the applicant:

Provided that if the amount of the actual expenses when ascertained should prove to be greater than the amount paid by the applicant for expenses as estimated the difference shall be paid by the applicant to the attorney general forthwith upon demand; and in the event of failure on the part of the applicant to pay the same within fifteen days after such demand the same may be recovered as a debt at the suit of the attorney general; and the license, if any, of the applicant may be suspended by the attorney general until such payment is made and in the meantime the actual expenses unprovided for shall be paid out of the general revenue fund. C.O., c. 89, s. 35; 1901, c. 33, s. 4.

38. Any seven or more out of the twenty householders residing nearest to the premises for which a license is applied for may by petition in form I in schedule 1 hereto object to the granting of such license and the objections which may

be taken to the granting of a license may be one or more of the objections contained in any of the following clauses:

Bad fame

(a) That the applicant is of bad fame and character or of drunken habits or has previously forfeited a license under this Act; or

Premises out of repair

(b) That the premises in question are out of repair or have not the accommodation required by law or reasonable accommodation if the premises be not subject to the said requirements; or

Not required

(c) That the licensing thereof is not required in the neighbourhood or that the premises are in the immediate vicinity of a place of public worship, hospital or school or that the quiet of the place in which such premises are situate will be disturbed if a license be granted; or

(d) For other valid reasons which may be shown.

Petition to be sent to attorney general

(2) The petition shall be transmitted to the attorney general accompanied by the sum of \$10 in time for its receipt by him not less than ten clear days before the sitting of the board at which the application is advertised to be heard; the attorney general on receipt thereof shall acknowledge the same in writing to the person from whom he received it or to the protestant whose name appears first thereon and shall indorse on the back of the petition the date he received the same with the sum of money aforesaid and shall transmit the petition to the board for production at the said sitting of the board.

Protest fee held in trust

(3) The said sum of \$10 shall be held in trust and in case the protest is successful shall be returned to the person from whom the same was received or to the protestant whose name appears first upon the petition; in case the protest is not successful the said sum of \$10 shall be paid into the general revenue fund.

Returned if successful

Written decision

(4) The board shall give a written decision stating which, if any, of the objections stated in the protest are sustained or not, as the case may be.

Petition to be signed within sixty days prior to receipt

(5) Such petition must be signed within the period of sixty days immediately prior to the day it is so received by the attorney general and the justice, notary public or commissioner for oaths before whom the same is signed shall certify the date upon which each person signed such petition. C.O., c. 89, s. 36.

Where recommendation not required

39. A license shall not be granted to any person to sell intoxicating liquors outside of incorporated cities or towns who has not first obtained and forwarded to the attorney general the recommendation in writing in form B in schedule 1 hereto.

(2) Such recommendation must be signed within the ^{Recommendation to be signed within sixty days prior to receipt} period of sixty days immediately prior to the day it is so received by the attorney general and the justice, notary public or commissioner for oaths before whom the same is signed shall certify the date upon which each person signed such recommendation. C.O., c. 89, s. 37.

40. On every application for a hotel license the inspector ^{Inspector's reports on applications for hotel licenses} shall report in writing in a form to be prescribed by the attorney general to the board and such report shall contain:

1. A description of the house, premises, outbuildings and furniture; with the numbers of the block and lots on which they are situated;

2. If the application be by a person who held a license for the same premises during the preceding year a statement as to the manner in which the house has been conducted during the existence of the previous license;

3. A statement of the number, position and distance from the premises in respect of which a license is applied for of the licensed premises in the neighbourhood;

4. A statement whether the applicant is in the opinion of the inspector a fit and proper person to have a license and is known to be of good character and repute stating his grounds for such opinion;

5. A statement whether the premises sought to be licensed are or are not in his opinion required for the public convenience;

6. A statement whether the applicant is or is not the true owner of the business of the hotel proposed to be licensed;

7. A statement whether the applicant is or is not the true owner of the premises in respect of which the license is sought and if not the true owner of such premises whether the applicant has a lease thereof in his own name for the term for which the license is to cover;

8. And where a householder's recommendation is required also a statement whether the persons signing the recommendation (form B in schedule 1 hereto) are in the opinion of the inspector ten out of the twenty householders nearest in a direct line to the building in which the business proposed to be licensed is to be carried on;

9. Such other information as the attorney general may require to be furnished. C.O., c. 89, s. 40; 1901, c. 33, s. 5.

41. On every application for a wholesale license the ^{Inspector's reports on applications for wholesale licenses} inspector shall report to the board in writing in such form as the attorney general shall prescribe and such report shall contain:

1. A description of the house and outbuildings with the numbers of the lots and block they are comprised within;

2. If the applicant be a person who held a license in the same district during the preceding year a statement as to the manner in which the business was conducted during the existence of the previous license;

3. A statement showing:

(a) Whether the applicant is or is not in the opinion of the inspector a fit and proper person to have a license and is known to be of good character and repute stating his grounds for such opinion;

(b) Whether the business sought to be licensed is or is not in his opinion required for the public convenience;

(c) Whether the applicant is or is not the true owner of the business proposed to be licensed;

(d) Whether the applicant is or is not the true owner of the premises in respect of which the license is sought and if not the true owner of such premises whether the applicant has a lease thereof in his own name for the term for which the license is to run;

4. Such other information as the attorney general may require to be furnished. C.O., c. 89, s. 41.

Discretion
of board

42. The report of the inspector shall be for the information of the board who shall nevertheless exercise their own discretion on each application. C.O., c. 89, s. 42.

HEARING AND DETERMINING APPLICATIONS AND PROTESTS.

Duties of
board

43. The board before hearing any applications for a license or a protest against the granting thereof shall satisfy itself by an examination of the application papers including the inspector's report; and in case of a protest of the protest papers also that the provisions of this Act preliminary to the hearing of an application or protest have been complied with.

Hearing
applications
and protests

(2) Every application for a license and all protests, if any, against every such application shall be heard and determined by the board in a summary manner on such evidence as to the board shall seem sufficient.

Open to
public

(3) Every such hearing of an application or protest shall be open to the public and every applicant for a license shall attend personally at such hearing unless hindered by sickness or infirmity; and the board shall have power to summon and examine on oath the applicant and the protesting parties or any of them and such witnesses as the board may think

necessary and as nearly as may be in the manner directed by any Act now or hereafter in force relating to the duties and powers of justices in relation to summary convictions and orders and any member of the board may administer such oath.

(4) Every such hearing may at the discretion of the board be adjourned from time to time. Adjournment

(5) At all hearings under this Act the individuals composing the board shall have the same powers as justices of the peace, shall also have such and the like powers and authority to preserve order as are given to a police magistrate by *The Criminal Code*. Powers of board

(6) Any person who is qualified to protest and has signed a formal protest in form I in schedule 1 hereto appended against the granting of a license may be heard in relation thereto in person or by counsel or agent. Persons signing protest may be heard

(7) The council of any municipality may authorise any person to appear on behalf of the ratepayers of such municipality to offer objections against the granting of a license and such person so authorised shall have a right to be heard before the board against the granting of such license. Municipal council may be represented

(8) No objection in respect of the character of any applicant except as contained in the report of an inspector shall be entertained unless three clear days written notice has been given to the applicant. Notice of objections to character

(9) No objection from an inspector shall be entertained unless the nature of the objection shall have been stated in the report furnished to the board. Objection from inspector to be stated in report

(10) Notwithstanding anything in this Act contained the board may of its own motion whether a protest has been filed or not take notice of any matter or thing which in the opinion of the board would be an objection to the granting of a license; in any such case the board shall notify the applicant and shall adjourn the hearing of the application if requested by him for any period not exceeding fourteen clear days and not less than seven days or any time fixed with the consent of the applicant in order that any person affected by the objection may have an opportunity of answering the same. C.O., c. 89, ss. 39 and 43. Board may take notice of any objection
Applicant to be notified

44. The decision of the board when once announced by the chairman shall not be questioned or reconsidered: Decision of board final

Provided nevertheless that in cases where the person or persons affected by such decision petition the board and allege facts and grounds for their consideration not formerly before them or in cases in which the board have not been unanimous the board may by resolution in which all the members concur decide to rehear the case; when a rehearing is allowed notice Provision for rehearing

thereof shall be given by the board to the applicant and to at least one of the protesting persons or his solicitor or agent. C.O., c. 89, s. 47.

Applicant
refused on
ground that
he is not fit
person

45. If an applicant for a license has at any time been refused a license on the ground that he is not a fit person to hold a license no application by such applicant if opposed shall be entertained by any board within a period of two years of the last of such refusals. C.O., c. 89, s. 45.

Deposit of
money on
adjourn-
ments or
rehearings

46. At any meeting of the board at which an adjournment for the purpose of further considering any application or protest is asked by or on behalf of any applicant or persons protesting the board before fixing the time and place for the hearing of such matter may require the party asking for such adjournment to deposit with the board a sum of money sufficient in the opinion of the board to cover the costs of such further hearing and unless such sum is forthwith deposited may proceed at once to hear and determine such application or protest and where a rehearing is sought under section 43 of this Act the board may as a condition to the granting of the same require the petitioner or petitioners to make a deposit as provided by this section.

Deposit to be
transmitted

(2) Any sum so deposited with the board shall be forthwith forwarded by the board to the attorney general.

Deposit by
applicant
how dealt
with

(3) Where the deposit has been made by or on behalf of the applicant for the license the cost of the adjourned hearing or rehearing shall be deducted from the amount deposited and the balance, if any, returned to the person making the deposit.

Deposit by
protesting
persons how
dealt with

(4) Where the deposit has been made by or on behalf of any protesting persons the deposit shall be dealt with as follows:

- (a) In the event of the protest being sustained by the board the whole amount deposited shall be returned to the person making the deposit and the costs of the adjourned hearing shall be paid out of the general revenue fund;
- (b) In the event of the protest not being sustained by the board the cost of the adjourned hearing or rehearing shall be deducted from the amount deposited and the balance if any returned to the person making the deposit.

Cases where
the deposit
proves
insufficient

(5) Where the cost of the adjourned meeting exceeds the amount deposited the difference shall be paid to the attorney general by the applicant or unsuccessful protesting parties, as the case may be, upon demand and in the event of failure

to make such payment within fifteen days after such demand the said difference may be recovered as a debt due the Crown at the suit of the attorney general and in case the amount of such difference is payable by the applicant the license, if any, of the applicant may be suspended by the attorney general until such payment is made and in the meantime the said difference shall be paid out of the general revenue fund. 1904, c. 14, s. 3.

47. Every person to whom a license to sell intoxicating liquor shall hereafter be granted shall before receiving such license be required to pay to the attorney general as a fee for such license in addition to any fee required to be paid to any incorporated city, town, village or rural locality in which the premises sought to be licensed is situated the license fee hereinafter mentioned, namely:

1. For each hotel license:

(a) In cities the sum of ³⁰⁰~~\$400~~;

(b) In towns the sum of ²⁰⁰~~\$300~~;

(c) In villages and rural localities the sum of ³⁰⁰~~\$250~~;

2. For each wholesale license:

(a) In cities the sum of ³⁰⁰~~\$400~~;

(b) In places other than cities the sum of ³⁰⁰~~\$200~~;

C.O., c. 89, s. 46; 1907, c. 31, s. 10.

(2) Where the council of a city, town, village or rural municipality has appointed an inspector under the provisions of this Act such council may by bylaw require each licensee therein to pay towards the municipal revenue such sum as it may determine not exceeding \$200 and in case the attorney general has received a certified copy of such bylaw and of the bylaw or resolution appointing an inspector the attorney general shall not issue a license in respect of premises situated therein until he has received a certificate from the treasurer or clerk thereof showing the amount of such fees and that such sum has been paid; a certified copy of such bylaw and every substitution and amendment thereof shall be forthwith after the passing thereof forwarded to the attorney general and such bylaw shall continue in force until amended, altered or repealed without being reenacted each year.

Fee to city,
town or
rural
municipality
under bylaw

Bylaw to be
sent to
attorney
general

(3) In all cases where such licenses are taken out for a portion only of the year the amount payable to the attorney general and to such cities, towns, villages or rural municipalities for license fees shall be a proportionate part only of the amount required for one year. C.O., c. 89, s. 46; 1900, c. 32, s. 8; 1903 (1), c. 26, s. 6.

Proportion-
ate part of
annual
license fee

SECURITY.

Bonds by
licensees

48. Before any hotel or wholesale license is issued the person applying for the same shall enter into a bond to his Majesty in the sum of \$500 with two good and sufficient sureties to be approved by the board, justifying by affidavit in the sum of \$250 each conditioned for the payment of all fines and penalties which such person may be condemned to pay in respect of any offence against this Act; the penalty of such bond to be recoverable at the suit of the attorney general by civil process in the ordinary way; and such bond shall be in the words or to the effect of form E in schedule 1 hereto. C.O., c. 89, s. 47.

CANCELLATION OF LICENSES.

Powers of
judge where
license
improperly
obtained

49. If within sixty days from the granting of a license or a transfer of a license any person deposits with the local registrar of the supreme court for the judicial district wherein the licensed premises are situated \$10 as security for costs together with a complaint (verified by affidavit) that the said license or transfer has been obtained by fraud or in violation of any of the provisions respecting licenses on application a judge of the supreme court may by means of an originating summons investigate and summarily hear and dispose of the complaint and may direct the cancellation of the license or dismiss the complaint and award costs in the same way as costs are awarded in proceedings in the supreme court. C.O., c. 89, s. 57.

Cancellation
of licenses

50. The board may at any time recommend the cancellation of any license upon proof that the conditions necessary to the granting of such license do not exist and also in case it is shown that the licensee is not keeping his premises in accordance with the provisions of this Act and any rules and regulations made thereunder. C.O., c. 89, s. 48.

Cancellation
of licenses
by attorney
general

51. The Lieutenant Governor in Council may at any time upon application by a licensee or in case of his death by his legal representative cancel a license and order a rebate or refund of a portion of the fees paid for the license both to the municipality and to the attorney general; such portion not to be greater than the proportionate part of such fee for the unexpired portion of the term of the license.

(2) A license may be cancelled under this section on account of the destruction of the premises or for any reason satisfactory to the attorney general.

Rebate

(3) In case such rebate is allowed it shall be the duty of the municipality and the attorney general to refund to such licensee or to his legal representative the amount so ordered to be refunded. C.O., c. 89, s. 49.

TRANSFER OF LICENSES.

52. The rights and liabilities of a licensee shall enure to the legal personal representative of a deceased licensee and to the transferee of the business of a licensee for a period of sixty days after the death or transfer; and during such period such legal personal representative or transferee shall for the purposes of this Act be considered a licensee.

(2) Unless an extension of time is granted as herein provided the license shall at the expiration of the said period of sixty days *ipso facto* be forfeited and absolutely null and void unless such legal personal representative or transferee shall prior thereto have obtained the written consent of the attorney general to the continuance of the business or to the transfer of the license to himself or to some other person:

Provided that the said period of sixty days may be extended by the attorney general for good cause shown for a further period not exceeding thirty days and such extension of time may be given notwithstanding the said period of sixty days has expired.

(3) Upon such written consent being given the legal representative or transferee, as the case may be, shall have the same rights and be subject to the same liabilities as if the license had been originally granted to him and shall for the purpose of this Act be deemed a licensee. C.O., c. 89, s. 50; 1901, c. 33, s. 7.

53. Where a licensee has been legally ejected from any licensed premises the board may notwithstanding the nonproduction of the license on the application in writing of the owner of the premises and the proposed new tenant if they cannot produce the license grant a special license to such new tenant in such form as they shall think applicable; and such special license shall be signed by the attorney general. C.O., c. 89, s. 51.

Licensee
legally
ejected

Special
license to
new tenant

54. The board may by order authorise any person they may think entitled to the benefit of any license to carry on the business in the licensed premises for the remainder of the term for which the license was granted in the same manner as if such license had been formally transferred to such person in the following cases:

Balance
of term

1. Whenever any person to whom a license has been granted deserts the licensed premises or refuses or neglects to transfer the license when justly required so to do; or

Desertion of
premises

2. If during the currency of any such license the holder thereof ceases to occupy the premises in respect whereof the license is held or his tenancy of such premises is determined by effluxion of time or by notice to quit or by any other process whatsoever. C.O., c. 89, s. 52.

Vacancy

After
disqualifica-
tion
treating
matter as
case of
transfer .

55. Where any licensed person is convicted of any offence and in consequence either becomes personally disqualified or has his license forfeited the board upon application by or on behalf of the owner of the premises in respect of which the license was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy nor a consenting party to the act of his tenant and that he has legal power to eject the tenant of such premises may by order authorise an agent of such owner to carry on the business specified in the license relating to such premises until the end of the period for which such license was granted in the same manner as if such license had been formally transferred to such agent:

Proviso

Provided always such owner shall pay as fee for the balance of the term of the license unexpired a proportionate part of the amount required for one year. C.O., c. 89, s. 53.

Marriage
of female
licensee

56. In case of the marriage of any woman being a licensee the license held by her shall confer on her husband the same privileges and shall impose on him the same duties, obligations and liabilities as if such license had been granted to him originally:

Proviso

Provided that the attorney general on application of the husband of any such licensee if satisfied that no objection can be made to the character of the husband and that he has not forfeited a license within the next preceding three years may confirm to him his wife's license for the remainder of the term of the duration thereof, of which confirmation a certificate signed by the attorney general shall be conclusive evidence. C.O., c. 89, s. 54.

REMOVAL OF LICENSEES.

Removal
to other
premises

57. The attorney general may after order recommending the same by the board indorse on any hotel or wholesale license permission to the holder thereof to remove from the house to which his said license applies to another house to be described in the indorsement to be made by the attorney general on the said license; provided always that the house to which the licensee proposes to remove has all the accommodation required by law and subject to the requirements in the case of an original application for the same kind of a license.

Effect of
such
permission

(2) Such permission of the attorney general indorsed on said license shall authorise the holder of the said license to sell liquor in the house mentioned in the indorsement during the unexpired portion of the term for which the said license was granted in the same manner and upon the same terms and conditions as he might do in the premises to which the license originally applied; any bond or security which such holder of a license may have given for any purpose in relation to such

license shall apply to the house or place to which removal is authorised; but such permission shall not entitle him to sell at any other than such one place. C.O., c. 89, s. 55.

58. In all cases provided for in sections 52 to 57 hereof both inclusive of transfer, removal or change in a license application shall be made in the same manner as if for an original application for a license; the amount of money to be sent with said application shall be the sum of \$10; the attorney general upon receiving the application shall proceed as in cases where persons apply at other than the regular time for licenses and the same additional fees must be paid: ^{Application for transfer or removal}

Provided nevertheless that if within the time limited for protest no protest has been received by the attorney general and he is satisfied in other respects that the application should be granted it shall not be necessary for the board to hold a meeting or make a recommendation but the application may be granted upon the authority of the attorney general. C.O., c. 89, s. 56. ^{Proviso}

RECORDS AND REPORT OF ATTORNEY GENERAL.

59. The attorney general shall keep a register to be known as the register of licenses in which shall be recorded: ^{License register}

- (a) All applications made to the board with the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard and the manner in which the same were disposed of including in cases of refusal the cause or causes thereof;
- (b) All licenses granted with the names of the licensees and of the sureties required;
- (c) All forfeitures of licenses, disqualification of licensees and convictions against licensees. 1900, c. 32, s. 11.

60. The attorney general shall report annually to the Legislative Assembly within the first fifteen days of the session thereof furnishing: ^{Report to assembly}

- (a) A statement of the number and description of licenses and of the names of applicants to whom licenses were granted during the year;
- (b) The names of applicants to whom licenses were not granted;
- (c) Any other particulars required to be entered in the register of licenses;

- (d) A list of prosecutions for infraction of this Act and the result of same;
- (e) Any general remarks which he may deem necessary concerning the working of the liquor license law. 1900, c. 32, s. 12.

REGULATIONS, PROHIBITIONS AND PENALTIES.

License to
be exposed

61. All licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar rooms of hotels or other places to which the licenses respectively relate under a penalty of \$5 for every day's wilful or negligent omission so to expose them; and in default of payment one week's imprisonment for every day of such omission. C.O., c. 89, s. 60.

Placard
over door

62. Every person keeping a licensed hotel or wholesale liquor store shall during the continuance in force of such license exhibit and keep exhibited on the outside and over a front door of the licensed premises in large letters the words "licensed to sell spirituous or fermented liquors."

Am 1904-9 p 143

(2) Every holder of a hotel license shall also keep exhibited on the outside and over a front door of the bar room and in some conspicuous place in the bar room a notice printed in large letters in the following words: "This bar room is required to be closed from the hour of 7 o'clock p.m. on Saturdays to the hour of 7 o'clock a.m. on the Monday following and on other days of the week from the hour of 10 o'clock p.m. to the hour of 7 o'clock a.m. of the following day." C.O., c. 89, s. 61; 1901, c 33, s. 8.

Payment of
wages on
licensed
premises

63. No payment of wages to any workman or other person shall be made upon any licensed premises except by the licensee to his ordinary servants or employees; any such payment made in contravention of this section shall not operate to discharge the debt of the employer in respect of such wages to such workman or other person. C.O., c. 89, s. 62.

One bar only

64. Not more than one bar shall be kept in any house or premises licensed under this Act. C.O., c. 89, s. 63.

(2) 1909 p. 261

Hours for
sale of
liquor

65. In all places where intoxicating liquors are licensed to be sold by retail no sale or other disposal of liquors shall take place therein or on the premises thereof or out of or from the same to any person or persons whomsoever save as herein-after provided from or after the hour of seven of the clock on Saturday night till seven of the clock on Monday morning thereafter nor from and after the hour of ten o'clock at night, until seven o'clock the following morning on the other nights

Am 1908-9 p 143

of the week; and as respects all places where liquors are licensed to be sold by wholesale no sale or other disposal of liquors shall take place therein or on the premises thereof or from or out of the same to any person or persons whomsoever nor shall the premises in respect of which the license is issued be kept open from or after the hour of seven o'clock on Saturday night until seven o'clock on Monday morning thereafter and from eight o'clock at night until seven o'clock in the morning on the other nights of the week save and except as to both retail and wholesale places in cases where a requisition for medicinal purposes signed by a licensed medical practitioner or by a licensed druggist or by a justice of the peace is furnished the licensee or his agent; nor shall any liquor whether sold or not be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same:

Exception

Provided that in hotels compelled by law to give meals liquor may be sold during meals on Sundays to the guests *Proviso* bona fide residing or boarding in such houses between the hours of one and three and five and seven in the afternoon respectively to be drunk at their meals at the table; but this provision shall not permit the furnishing of liquor at the bar or place where liquor is usually sold in such houses.

(2) No sale or other disposal of liquor shall take place in any licensed place on Christmas day, Good Friday or Thanksgiving day or in any licensed place within the limits of a polling subdivision during the whole of any polling day for the election of a member for the Legislative Assembly or any municipal elections or any day on which a vote in accordance with the provisions of this Act is being taken; or at or during any time when by law in force in the province or by bylaw in force in the municipality wherever such place or places is or are or may be situated the same or the bar room or bar rooms thereof ought to be kept closed.

No sale on Christmas day, Good Friday or Thanksgiving day or during election or during times when bar should be closed

Rep. 1908-9 p 143

(3) Every person found in a bar room or a room where liquors are usually sold upon licensed premises at any time within the hours during which by this section the sale of liquors is prohibited shall be liable on summary conviction thereof to a fine of \$10 and costs of prosecution and in default of payment thereof forthwith to imprisonment for ten days:

Persons found in bar rooms in prohibited hours

Am. 1908-9 p 144

Penalty for

Provided that nothing in this section shall prevent an hotel keeper, his wife or regular employee from entering such bar room or room for the sole purpose of procuring liquor ordered by guests to be used with their meals on Sunday as allowed by the provisions of this section:

Proviso

Provided further that nothing in this section or in this Act shall prevent a licensee or a member of the licensee's family or a regular employee of the licensee from entering such bar room or room where liquors are usually sold upon licensed

Proviso

premises between the hours of ~~seven~~^{eight} and ~~nine~~^{ten} o'clock in the evening of Saturday of each week and between the hours of ~~ten o'clock and twenty minutes past ten o'clock~~^{discontinue from the time of closing the house at 11:30 p.m. on Saturdays} on other evenings for the sole purpose of checking accounts and cleaning up such bar room and of remaining therein (with the doors of such room locked) during such hours for said purpose.

Bar rooms
to be closed
during
prohibited
hours

(4) Except as is herein otherwise provided no bar room or room in which liquors are usually sold in a licensed hotel shall be kept open at any time during the hours when the sale or other disposal of liquors is prohibited and the presence in the bar room of any person not a member of the licensee's family or a regular employee of the licensee shall be *prima facie* evidence of the keeping open of such bar room.

Sale at
banquet

(5) The sale or other disposal of liquor by a licensee at any *bona fide* banquet or supper being held in his licensed premises to any person in actual attendance at such banquet or supper at any time before one o'clock a.m. shall not be deemed to be a violation of the provisions of this section provided the said licensee has obtained the written permission of the attorney general for such sale or other disposal; the application for such permission shall be filed with the attorney general at least five clear days before the time fixed for such banquet or supper and shall whenever practicable be accompanied by a recommendation made by the inspector for the district within which such banquet or supper is held. C.O., c. 89, s. 64; 1903 (1), c. 26, ss. 7, 8 and 9.

Local time

(6) Notwithstanding anything contained in *The Interpretation Act* whenever any particular time of the day is referred to in this section the same shall mean "mountain standard time" or any other time that the council of any municipality within which any licensed premises are situated may adopt by bylaw for the regulating of business hours within the municipality.

Bar room,
connection
with other
portion of
licensed
premises

66. There shall be no connection between the bar room and any other portion of the premises in any licensed hotel by means of windows, wickets, elevators, chutes, openings of any kind or sliding, folding or other kind of doors except doors opening directly out of and on the same side of the bar room into the same public hall or office of the licensed premises and a door or trap leading from behind the bar into the cellar. C.O., c. 89, s. 65.

View into
bar room
not to be
obstructed

67. Full view of the interior of the bar room in any licensed hotel or room where liquor is usually sold in any wholesale premises shall not during prohibited hours be obstructed by means of screens, shades, blinds or frosted, ground or coloured windows. C.O., c. 89, s. 66.

68. No billiard, pool or other tables shall be permitted in the bar room of any licensed hotel and no liquor shall be sold or supplied in any room in any licensed premises set apart or used for such games. Billiard rooms, etc.

(2) No musical instrument, dancing or other form of entertainment shall be permitted in such bar room. C.O., c. 89, s. 67; 1903 (1), c. 26, s. 10.

69. No license shall be granted in respect of any premises in which the provisions of section 66 hereof have not been complied with. Conditions regarding premises C.O., c. 89, s. 68.

70. Every licensed hotel keeper who either personally or through anyone acting on his behalf except for some valid reason refuses to supply lodging, meals or accommodation to travellers at a reasonable rate shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of \$20 and in default of payment one month's imprisonment. Refusal to supply meals, etc. C.O., c. 89, s. 69.

71. If any hotel keeper licensed under this Act receives in payment or as a pledge for any liquor supplied in or from his licensed premises anything except current money or the debtor's own cheque on a bank or banker he shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$20; and the person giving anything as a pledge as aforesaid may recover the same or the value thereof in any court of competent jurisdiction notwithstanding such pledge; no hotel keeper shall receive payment in advance for any liquor to be supplied and the amount of any payment so made may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment. Penalty for receiving pledge or payment other than money for liquor C.O., c. 89, s. 70.

(2) No time check or other evidence of indebtedness given in payment of wages shall be cashed in any licensed premises and any licensee or his servant, agent or employee knowingly violating the provisions of this subsection shall be guilty of an offence under this Act. No cheque for wages to be cashed on licensed premises

72. Any licensee who purchases from any other person anything either by way of sale or barter directly or indirectly the consideration for which in whole or in part is any intoxicating liquor or the price thereof or receives from any person any goods in pawn for liquor shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of \$20 and in default of payment forthwith after conviction to imprisonment for any term not exceeding one month and such purchase or pledge shall be absolutely void and the property so sold or pledged may be recovered by the seller or pledgor by civil process: Bartering or receiving pawn for liquor

Proviso

Provided always that none of the provisions of this section shall apply to transactions between parties holding respectively wholesale and retail licenses under the provisions of this Act. C.O., c. 89, s. 71.

Gambling, disorderly conduct, etc., prohibited

73. Any licensee who permits gambling, drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises or sells or delivers any intoxicating liquor to any drunken person or permits and suffers any drunken person to consume any intoxicating liquor on his premises or permits or suffers persons of notoriously bad character to assemble or meet on his premises shall (in addition to any other punishment provided by law) be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$25 nor more than \$50 and in default of payment forthwith after conviction to not less than one nor more than two months' imprisonment. C.O., c. 89, s. 72.

Games of chance, etc., prohibited

74. Every description of gaming, playing at cards, dice or any game of chance with betting or with a view to determine as to who shall pay for any liquor consumed or to be consumed is hereby strictly forbidden and prohibited in any licensed premises in Saskatchewan and any proprietor, owner or licensee of any such place allowing any description of gaming as aforesaid therein and any person found in any such place engaged in any description of gaming as aforesaid shall be guilty of an offence and on summary conviction thereof be liable to a fine of not less than \$20 nor more than \$50 for every such offence and in case of default of payment forthwith after conviction to be imprisoned for a term not less than one month nor more than two months.

Arrest on view

(2) Any proprietor, owner or licensee of any such place allowing any description of gaming as aforesaid thereon and any person in any such place engaged in any description of gaming as aforesaid shall be liable to be arrested on view and brought before any justice and dealt with as provided in the next preceding section.

(3) The existence of dice or other appliances for gambling in any bar room in any licensed premises shall be *prima facie* evidence of an infraction of the provisions of this section. C.O., c. 89, s. 73; 1901, c. 33, s. 10.

Penalty for harbouring constable

75. Any licensee who knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time for such constable to be on duty (unless for the purpose of keeping or restoring order or in the execution of his duty) or supplies any liquor by way of gift or sale to any constable on duty unless by authority of some superior officer of such constable or bribes or attempts to bribe any constable shall be guilty of an offence and on

summary conviction thereof be liable to a penalty of not less than \$25 nor more than \$50 and in default of payment forthwith after conviction to not less than one nor more than two months' imprisonment. C.O., c. 89, s. 74.

76. Any licensee may refuse to admit to the premises in respect of which his license is granted any person who is intoxicated and may refuse to admit to and may turn out of the premises any person who is violent or quarrelsome or disorderly and any person whose presence on his premises would subject the licensee to a penalty under this Act; and any such person who upon being requested in pursuance of this section by such licensee or his agent or servant or any constable to quit such premises refuses or fails to do so shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$5 and in default of payment forthwith after conviction to one week's imprisonment; and all constables are required on demand of such licensee, his agent or servant to expel or assist in expelling every such person from such premises and may use such force as may be necessary for that purpose. C.O., c. 89, s. 75.

Intoxicated persons may be refused admittance or expelled

Penalty

77. Every person who makes use or allows to be made or used any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort or as a refreshment house shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 for every day during which such communication remains open and in default of payment forthwith after conviction for every day as aforesaid to one month's imprisonment. C.O., c. 89, s. 76.

Communication between licensed premises and unlicensed premises used for public entertainment prohibited

Penalty for

78. Any licensee who allows to be supplied in his licensed premises by purchase or otherwise any description whatever of liquor to any person under the age of eighteen years of either sex shall as well as the person who actually gives or supplies the liquor be guilty of an offence and on summary conviction thereof be liable to a penalty of \$25 for a first offence and in default of payment forthwith after conviction to one month's imprisonment; and for a second like offence to a penalty of \$50 with absolute forfeiture of license and in default of payment forthwith after conviction to two months' imprisonment and absolute forfeiture of license.

Liquor supplied to minors prohibited

Penalty for

(2) Any hotel licensee who knowingly allows any male under the age of twenty-one years or any female to dispose of any form of intoxicants on the premises for which such license is granted shall be liable to all the penalties provided for in this section:

Females serving liquor

Provided that nothing contained in this subsection shall be deemed to prevent any female who is a licensee or the wife

Proviso

of a licensee from disposing of intoxicants on the licensed premises.

(3) Any person who purchases intoxicating liquor from a person not licensed under this Act to sell the same or from any licensee at any time during which the sale of liquor is prohibited by this Act shall on summary conviction thereof be liable to a penalty of \$10 and in default of payment forthwith after conviction to ten days' imprisonment. C.O., c. 89, s. 77.

No person under eighteen years to be permitted to loiter or linger about bar room

(4) Any licensee who without proper cause suffers or permits any person of either sex apparently or to the knowledge of such licensee under the age of eighteen years, unaccompanied by his or her parent or guardian and not being a resident on the premises of such licensee or a *bona fide* lodger or boarder without good and sufficient reason to linger or loiter in or about any bar room or other room on such premises in which liquor is dispensed shall for every such offence be liable on summary conviction to a penalty of not less than \$2 and not exceeding \$10 besides costs; and any such person so lingering or loitering as aforesaid without good and sufficient cause and who is not a resident on the premises or a *bona fide* lodger or boarder or who is not accompanied by his or her parent or guardian shall also be liable on summary conviction to a penalty of not less than \$2 and not more than \$10 besides costs.

No person under twenty-one years to loiter or linger about bar room

Charge for liquors in quantity less than one half gallon cannot be recovered

79. No person shall recover or be allowed to set off any charge for intoxicating liquors in any quantity less than one half gallon delivered at one and the same time; and specialties, bills, notes, agreements or accounts stated, given or made in whole or in part for or to secure any such charge shall be void; but nothing herein contained shall extend to any charge made by an hotel licensee against any boarder or traveller; it shall not be necessary for any person taking advantage of this section to plead the same specially but he may raise the objection at any stage of the case.

Exception

(2) No person resident within one mile of such hotel or licensed premises shall be considered a traveller within the meaning of this section. C.O., c. 89, s. 78.

Suicide or accidental death while intoxicated person supplying liquor liable to action

80. Whenever in any hotel or other house or place where intoxicating liquors of any kind are sold whether legally or illegally any person has drunk to excess of intoxicating liquor of any kind therein furnished to him and while in a state of intoxication from such drinking has come to his death by suicide or drowning or perishing from cold or other accident occasioned by such intoxication the person whether the keeper or employee of such hotel, house or other place who delivered to such person the liquor whereby such intoxication was caused shall be liable to an action as for personal

wrong at the suit of the legal representatives of the deceased person if such action be brought within three months after such decease but not otherwise; and by such action may recover such sums not less than \$100 nor more than \$1,000 as may therein be assessed by the court or judge or jury as damages; the keeper of such hotel or other house or place and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused shall be jointly and severally liable to an action as for personal wrong at the suit of the legal representatives of the deceased person if such action be brought within three months after such decease but not otherwise; and such legal representatives may bring either a joint and several action against them or a several action against any or either of them and by such action or actions may recover such sums not less than \$100 nor more than \$1,000 in the aggregate of any such actions as may therein be assessed as damages; and in the event of final judgment being recovered against any licensee in any action under this section the license of such licensee shall thereupon be forfeited and thereafter be null and void. C.O., c. 89, s. 79.

81. Any person on summary conviction of any of the following offences shall be liable to a penalty of \$50 and in default of payment forthwith after conviction to two months' imprisonment: Penalty for

- (a) Any person who sells liquor by wholesale or retail to any person who he knows or has reason to believe is selling liquor without a license; Liquor consumed on premises of wholesale licensee, liquor sold to illicit dealer
- (b) Any licensee licensed to sell liquors not to be consumed on the premises who takes or carries or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensee for the purpose of being sold on his account or for his benefit or profit and of being consumed in any other house or in any tent, shed or other building of any kind whatever belonging to such licensee or hired, used or occupied by him.

(2) In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, were hired, used or occupied by the seller if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. C.O., c. 89, s. 80. Evidence in proceeding

82. No person shall sell by wholesale or retail or shall keep or have in any house or other place whatsoever any liquor for the purpose of selling, bartering or trading therein Sale without license prohibited

without having first obtained a license authorising him so to do; and any sale or other disposal of liquor by any association, body of persons or club not incorporated by special Ordinance of the North-West Territories or special Act of the province or by the servant or agent thereof to the members thereof or to any other person without such license shall be a violation of section 86 of this Act and after the first day of January, 1909, no club shall keep on its premises any liquor for any purpose:

Proviso

Provided that the provisions of this section shall not prevent any chemist or druggist duly registered as such from keeping, having and subject to the further provisions of this section selling liquors for strictly medicinal purposes; but in any area wherein a local option bylaw is in force no such sale for medicinal purposes shall be made except under certificate for each such sale from a registered medical or veterinary practitioner and in any area wherein no local option bylaw is in force no such sale for medicinal purposes shall be made in packages of more than six ounces at any one time except under certificate for each such sale from a registered medical or veterinary practitioner; and it shall be the duty of every such chemist or druggist to record in a book to be open to the inspection of the board or inspectors every sale or other disposal by him of liquor; and such record shall show as to every such sale or disposal the time when, the person to whom and the quantity in which such liquor is sold and the certificate of the medical practitioner; and in default of sale or disposal being so placed on record every such sale or disposal shall *prima facie* be held to be in contravention of the provisions contained in this section:

Proviso

Provided that any wholesale druggist may without license sell any alcohol wood spirit:

Provided further that any wholesale druggist may without license sell to any legally qualified druggist or physician any kind of alcohol not exceeding ten gallons and any kind of wine or brandy not exceeding five gallons at any one time:

Provided further that any qualified druggist may sell to any person any combination of alcohol with any drug made according to any formula of the British or United States pharmacopœia:

Provided always that no person authorised to sell liquors as provided by this section shall allow any liquors sold by him on his premises to be consumed within his shop or the premises of which such shop forms part.

Penalty for evading Act

(2) Any chemist or druggist who sells liquor in violation of the provisions of this section shall on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. C.O., c. 89, s. 81.

(3) 1908-9 p 144

83. Violation of any of the provisions of subsections (1), ^{Penalty for breach section 65} (2) and (4) of section 65 hereof shall be an offence for which the person violating shall be liable on summary conviction:

1. For the first offence to a penalty of not less than \$50 nor more than \$100 and in default of payment forthwith after conviction to not less than two months' nor more than four months' imprisonment;

2. For the second or any subsequent offence to a penalty of not less than \$100 nor more than \$200 with absolute forfeiture of license and in default of payment forthwith after conviction to not less than four months' nor more than six months' imprisonment with absolute forfeiture of license or to imprisonment for not less than one month nor more than six months with absolute forfeiture of license or to both fine and imprisonment with absolute forfeiture of license. C.O., c. 89, s. 82; 1903 (1), c. 26, s. 12.

84. Any medical practitioner who colourably for medicinal purposes gives a certificate or requisition without which liquor could not lawfully be obtained to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. C.O., c. 89, s. 83. ^{Penalty for medical practitioner evading Act}

85. Any person not licensed to sell liquor to be drunk on the premises who allows or permits liquor purchased from him to be drunk on the licensed premises shall be guilty of an offence and on summary conviction thereof (unless it is made to appear to the justice before whom the offence is charged that such drinking was without his privity or consent) shall be liable on summary conviction to a penalty of not less than \$50 nor more than \$100 with absolute forfeiture of license and in default of payment forthwith after conviction to not less than two months' nor more than four months' imprisonment with absolute forfeiture of license. ^{Allowing liquor to be consumed on premises not licensed therefor}

(2) For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold if belonging to the seller of the liquor or under his control or used by his permission.

(3) Any purchaser of liquors in a house or premises to which a wholesale license applies who drinks or causes any one to drink or allows liquor to be drunk in the premises where the same has been purchased shall be liable to the penalty and punishment set forth in this section. C.O., c. 89, s. 84; 1901, c. 33, s. 13.

Penalty for
selling
liquor
without a
license

86. Any person who sells or barter liquor of any kind without the license therefor by law required shall be guilty of an offence and on summary conviction thereof be liable:

1. For the first offence to a penalty of not less than \$50 nor more than \$250 and in default of payment forthwith after conviction to not less than two months' nor more than six months' imprisonment;

2. For a second offence to a penalty of not less than \$200 nor more than \$500 and in default of payment forthwith after conviction to not less than three months' nor more than twelve months' imprisonment or to imprisonment for not less than three months nor more than twelve months or to both fine and imprisonment;

3. For a third or subsequent offence to a penalty of not less than \$500 nor more than \$1,000 and in default of payment forthwith after conviction to not less than nine months' nor more than two years' imprisonment and to imprisonment for not less than six months nor more than two years. C.O., c. 89, s. 85; 1903 (1), c. 26, s. 13.

False
pretenses
to obtain
liquor

87. Every person who by falsely representing himself to be a lodger or traveller buys or obtains or attempts to buy or obtain at any premises any liquor during the period when such premises are required to be closed as to the sale thereof in pursuance of this Act shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of \$20 and in default of payment forthwith after conviction to one month's imprisonment. C.O., c. 89, s. 86.

Inspector
shall not
receive
bribe

88. No inspector shall either directly or indirectly receive, take or have any money whatsoever for any license, report, matter or thing connected with or relating to any grant of any license or receive, take or have any note, security or promise for the payment of any such money or any part thereof from any person or persons whatsoever; and any person or persons guilty of or concerned in or party to any act, matter or thing contrary to the provisions of this section shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$200 and in default of payment forthwith after conviction to imprisonment for three months. C.O., c. 89, s. 87.

Penalty

Penalty for
causing
illegal issue
of license

89. Any commissioner, inspector, officer or other person who contrary to the provisions of this Act knowingly causes or procures to be issued any liquor license or a certificate therefor shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$250 and in default of payment forthwith after conviction to imprisonment for six months. C.O., c. 89, s. 88.

90. Any person who having or being charged with having violated any of the provisions of this Act compromises, compounds or settles or offers or attempts to compromise, compound or settle the offence with any person or persons with the view of preventing any complaint being made in respect thereof or if a complaint has been made with the view of getting rid of such complaint or of stopping or having the same dismissed for want of prosecution or otherwise shall be guilty of an offence and on summary conviction thereof be liable to incur a penalty of \$100 and in default of payment forthwith after conviction to imprisonment for two months. C.O., c. 89, s. 89. Penalty for
compounding
offences

91. Every person who is concerned in or is a party to the compromise, composition or settlement mentioned in the next preceding section shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. C.O., c. 89, s. 90. Penalty for
being party
to
composition

92. Any one knowing or having reason to believe that an order to commit to gaol has been issued against any person under this Act who prevents the arrest of such person or procures or facilitates by any act or counsel or in any other manner whatsoever his avoidance of arrest or who provides such person with the means of avoiding arrest shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to two months' imprisonment in addition to any other penalty provided by law. C.O., c. 89, s. 91. Penalty for
assisting to
avoid arrest

93. Every second conviction for any offence against the provisions of sections 78 or 81 hereof and every conviction for an offence against the provisions of either of the said sections when there has been a previous conviction for an offence against the provisions of any other of them and every third conviction for an offence against the provisions of this Act or any of them shall *ipso facto* operate as a forfeiture of the license of the offender when not otherwise provided. C.O., c. 89, s. 92. Convictions
operating as
forfeiture

94. Every person who shall violate any of the provisions of this Act for which violation no penalty is herein specially provided shall be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$50 nor more than \$100 and in default of payment forthwith after conviction to imprisonment for not more than four months. Penalty for
offences not
specially
provided for

(2) The license of any licensee convicted of any violation of the provisions of section 135 of chapter 81 of *The Revised* Forfeiture
for

conviction
of licensee
under
Indian Act

Statutes of Canada 1906 intituled *An Act respecting Indians* and any amendments thereto shall upon such conviction be *ipso facto* forfeited and thereafter be null and void. C.O., c. 89, s. 93; 1907, c. 31, s. 13.

Contraven-
tion of Act
by employee
of licensee

95. Any contravention of any of the provisions of this Act by any servant, agent or employee of a licensee shall be presumed to be the act of such licensee but except in the case of prosecutions under section 65 hereof such presumption may be rebutted by proof of explicit instructions to the contrary by such licensee and any such servant, agent or employee contravening any of the provisions of this Act and disobeying any such explicit instructions shall be liable on summary conviction to imprisonment for not less than ten days or more than three months without the option of a fine. C.O., c. 89, s. 94.

Occupant of
premises
liable

96. Except as provided in the next preceding section the occupant of any house, shop, room or other place in which any sale, barter or traffic of liquors or any matter, act or thing in contravention of any of the provisions of this Act has taken place shall be personally liable to the penalty prescribed for such offence, as the case may be, notwithstanding such sale, barter or traffic be made or other matter or thing be done by some other person who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic or other act, matter or thing by such person in the employ of such occupant or who is suffered to remain in or upon the premises of such occupant or to act in any way for such occupant shall be conclusive evidence that such sale, barter or traffic or other act, matter or thing took place with the authority and by the direction of such occupant. C.O., c. 89, s. 95.

POWERS OF INSPECTORS AND OFFICERS.

Officers may
enter and
search
premises

97. Any police officer, policeman or constable or inspector shall for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce at any time have the right to enter into any and every part of any hotel or other place wherein refreshments or liquors are sold or reputed to be sold whether under license or not or where he believes liquors are kept for sale contrary to the provisions of this Act and to make searches in every part thereof and of the premises connected therewith as he may think necessary for the purpose aforesaid; and for such purpose may with such assistance as he deems expedient break open any door, lock or fastening of such premises or any part thereof or of any closet, cupboard, box or other receptacle which might contain liquor.

(2) Every person being therein or having charge thereof who refuses or fails to admit such police officer, policeman, constable or inspector demanding to enter in pursuance of this section in the execution of his duty or who obstructs or attempts to obstruct the entry of such police officer, policeman, constable or inspector or any such searches as aforesaid shall be guilty of an offence and on summary conviction thereof be liable to a fine of \$50 and in default of payment forthwith after conviction to one month's imprisonment in addition to any other punishment in such case provided. C.O., c. 89, s. 97; 1900, c. 32, s. 14.

Penalty for
refusing
admittance
to officers

98. Any justice if satisfied by information on the oath of any police officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within his jurisdiction may in his discretion grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter if need be by force the place named in the warrant and every part thereof and of the premises connected therewith and to examine the same and search for liquor therein; and for such purpose such person may if necessary with such assistant as he deems expedient break open any door, lock or fastenings of such premises or any part thereof or of any closet, cupboard, box or other article suspected to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises the occupant thereof shall until the contrary is proved be deemed to have kept such liquor for the purposes of sale contrary to the provisions of section 82 of this Act and may be arrested by such officer or person having the warrant for search as aforesaid and any person so arrested shall be liable to be charged and dealt with as provided under this Act and may be fined or imprisoned therefor as provided in section 93 of this Act.

Search
warrant

(2) When any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by section 97 of this Act or under the warrant mentioned in this section finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act he may forthwith seize and remove the same and the vessels in which the same is kept and upon the conviction of the occupant of such house or place or any other person for keeping liquor for sale in such house or place without license the justice making such conviction may in and by the said conviction or by a separate and subsequent order which may be in form

Seizure and
forfeiture of
liquor and
vessels

J in schedule 1 hereto declare the said liquor and vessels or any part thereof to be forfeited to his Majesty to be sold or otherwise disposed of as the attorney general may direct; and the proceeds of any such sale shall be forthwith transmitted to the attorney general to form part of the general revenue fund. C.O., c. 89, s. 98.

(3) to (12) — 1909 p. 262.

Authority of
police
officers,
policemen
and
constables

99. Inspectors, police officers, policemen and constables shall have full authority to enforce any of the provisions of this Act. C.O., c. 89, s. 99.

PROSECUTIONS.

Time for
prosecutions

100. Prosecutions for offences created by this Act shall be instituted within six months after the commission of the alleged offence. C.O., c. 89, s. 100.

Description
of offences

101. The description of any offence under this Act in the words of this Act or in words of like effect shall be sufficient in law; and any exception, exemption, provision, excuse or qualification whether it does or does not accompany the description of the offence in this Act may be proved by the defendant but need not be specified or negatived in the information or proved by the informant or complainant. C.O., c. 89, s. 101.

Affidavit of
merits on
appeal

102. No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall within the time limited for giving notice of such appeal make an affidavit before the justice or one of the justices or police magistrates who tried the cause that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information; and such affidavit shall negative the charge in the terms used in the conviction; and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent; which affidavit shall be transmitted with the conviction to the court to which the appeal is given. 1900, c. 32, s. 22.

Affidavit of
merits on
certiorari

103. No writ of certiorari shall issue for the purpose of quashing any conviction for any violation or contravention of any of the provisions of this Act unless the party applying therefor shall produce to the judge to whom the application is made an affidavit that he did not by himself or by his agent, servant or employee or by any other person with his knowledge or consent commit the offence for which he has been convicted; and such affidavit shall negative the charge in the terms used in the conviction and shall further negative the commission of the offence by the agent, servant or employee of the accused

or by any other person with his knowledge or consent. 1900, c. 32, s. 23.

104. No appeal from a conviction or an application for a writ of certiorari to quash a conviction shall operate to suspend the forfeiture of any license which by reason of the provisions of this Act is declared to be forfeited as a consequence of a conviction. Appeal not to suspend forfeiture of license

105. In any prosecution for the violation of any of the provisions of this Act in the event of any variance between the information and the evidence adduced in support thereof the justice or justices hearing the case may amend such information and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the person charged has been materially misled by such variance he shall be granted an adjournment of the hearing if he applies therefor. 1903 (1), c. 26, s. 18. Amendment of information

106. Several charges of contravention of this Act committed by the same person may be included in one and the same information or complaint; provided that such information and complaint and the summons issued thereon contain specifically the time and place of each contravention. C.O., c. 89, s. 102. Several offences charged in one complaint

107. In describing offences respecting the sale or other disposal of liquor or the keeping or the consumption of liquor in any information, summons, conviction, warrant or proceeding under this Act it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply without stating the name or kind of such liquor or the price thereof or the name of any person to whom it was sold or disposed of or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed except in the case of offences where the quantity is essential; and then it shall be sufficient to allege the sale or disposal of more or less than such quantity as the case may require. C.O., c. 89, s. 103. Describing offences in informations, etc.

(a) 1904, c. 262
(2) Any justice making a conviction for any violation or contravention of any of the provisions of this Act shall not transmit the conviction to the court to which an appeal is given unless and until the affidavit required by section 102 of this Act has been made and deposited with him; and unless such affidavit shall be made and deposited with such justice within the time limited by the said section any notice of appeal or other proceedings respecting appeal which may be given or taken shall be absolutely null and void and of no effect whatever; and the justice shall proceed in respect of such conviction as if no such notice of appeal had been given or proceeding taken. 1901, c. 33, s. 21.

(3) Upon notice being given of appeal from a conviction for an infraction of this Act a consequence of which conviction is a forfeiture of the license of the person convicted and upon the affidavit required by the said section being made and deposited as therein provided the attorney general or the person convicted may apply to the court to which such appeal is made to expedite the hearing of the said appeal and to fix a time and place for such hearing; and the court shall thereupon fix such time and place for the disposal of the said appeal as to it may seem proper. 1901, c. 33, s. 21.

Forms

108. The forms set forth in schedule 2 to this Act or any forms to the like effect shall be sufficient in the cases thereby respectively provided for; and when no forms are prescribed by the said schedule they may be framed in accordance with part XV of *The Criminal Code*. C.O., c. 89, s. 104; 1907, c. 31, s. 15.

Proceedings where previous conviction charged

109. The proceedings upon informations for an offence against any of the provisions of this Act in a case where a previous conviction is charged shall be as follows:

Charge for subsequent offence

1. The justice shall in the first instance inquire concerning such subsequent offence only and if the accused be found guilty thereof he shall then and not before be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question the justice shall then inquire concerning such previous conviction or convictions;

Proof of previous conviction

2. Such previous conviction may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the clerk of the court to whose office the conviction has been returned or by the certificate of the attorney general without proof of signature or official character and without proof of identity of the person charged with the person named in such certificate;

Subsequent conviction if former quashed may be amended

3. In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void the justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon upon proof of the due service of such summons if such person fails to appear or on his appearance amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance;

4. In case any person who has been convicted of a contra-^{Convictions}vention of any provision of any of the sections of this Act ^{under} mentioned in section 93 hereof is afterwards convicted of an ^{section 93} offence against any provision of any of the said sections such conviction shall be deemed a conviction for a second offence within the meaning of the said section and shall be dealt with and punished accordingly although the two convictions may have been under different sections. C.O., c. 89, s. 105; 1903 (1), c. 26, s. 14.

110. Convictions for several offences may be made under ^{Conviction}this Act although such offences may have been committed on ^{for several} the same day; but the increased penalty or punishment here-^{offences}inbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence. C.O., c. 89, s. 106.

111. No member of the board or inspector who is a justice ^{Commis-}shall try and adjudicate upon any complaint for an infraction ^{sioner and} of any of the provisions of this Act. C.O., c. 89, s. 107. ^{inspectors}
^{not to act as}
^{J.P., etc.}

112. Whenever a licensee is convicted of any offence ^{Record of} against the provisions of this Act a record thereof shall be ^{conviction}indorsed on the license of the person convicted and the ^{to be} following provisions shall have effect, that is to say: ^{indorsed on}
^{license}

1. The justice before whom any licensed person is accused ^{Production}shall require such person to produce and deliver to him the ^{of license} license under which such person carries on business and the summons may state that such production will be required; and refusal or neglect by the licensee to produce such license when so required shall be treated as a refusal by a witness to produce a document when required so to do and punished accordingly;

2. If such person is convicted the justice convicting shall ^{Indorsement}cause the short particulars of such conviction and the penalty imposed to be indorsed on his license before it is returned to the offender; and such record shall be *prima facie* evidence of such conviction where such is subsequently required;

3. The attorney general shall enter the particulars respect- ^{Entry in}ing such conviction or such of them as the case may require ^{register} in the register of licenses kept by him under this Act;

4. Where the conviction of any such person has the effect ^{Where} of causing the forfeiture of the license or of disqualifying any ^{effect is} person for the purposes of this Act the license shall be ^{forfeiture}forwarded by the justice with notice of such forfeiture or ^{attorney}disqualification to the attorney general. C.O., c. 89, s. 108; ^{general}1900, c. 32, s. 15. ^{to be}
^{notified}

Certificate
of
conviction

113. The justice on any conviction of a licensee for an offence against this Act shall send forthwith to the attorney general a certificate of such conviction. C.O., c. 89, s. 109.

Costs
allowed to
justice

114. For the additional duties imposed by the two next preceding sections the justice shall be entitled to charge as costs in the proceedings the following sums:

1. For making up and forwarding certificate of conviction to the attorney general the sum of fifty cents;
2. For recording the conviction on the license the sum of fifty cents. C.O., c. 89, s. 110.

Third
conviction
forfeits
license and
disqualifies

115. When not otherwise provided a third conviction of a licensee for any violation or contravention of the provisions of this Act shall *ipso facto* operate as a forfeiture of his license and disqualify the person convicted from obtaining a license for three years thereafter. C.O., c. 89, s. 111.

EVIDENCE, ETC.

Certificate
of attorney
general

116. In any prosecution or proceeding under this Act in which proof is required respecting any license or interdiction a certificate purporting to be under the hand of the attorney general shall be *prima facie* proof of the existence of such license or interdiction and of the identity of the person to whom the license was granted or transferred or against whom the interdiction was made; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the attorney general without any proof of his appointment or signature. C.O., c. 89, s. 112; 1904, c. 14, s. 4.

Appliances
of liquor
trade
evidence

117. Any house, shop, room or other place in which it is proved that there exists a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in shall be deemed to be a place in which liquors are kept or had for the purpose of being sold, bartered or traded in in contravention of section 82 of this Act unless the contrary is proved by the defendant in any prosecution; and the occupant or person who appears to be the occupant or keeper of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquors for sale, traffic or barter therein. C.O., c. 89, s. 114.

Proof of
contraven-
tion

118. In proving the sale or disposal gratuitous or otherwise or consumption of liquor for the purposes of any proceeding relative to any offence under this Act it shall not be necessary

to show that any money actually passed or any liquor was actually consumed if the justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises in respect to which a license is required under this Act by some person other than the occupant of the premises shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same as against the occupant of the said premises. C.O., c. 89, s. 115.

119. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor. C.O., c. 89, s. 116.

Precise description of liquor unnecessary

120. The fact of any person not being a licensee keeping up any sign, writing, painting or other mark in or near to his house or premises or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor or that liquor is sold or served therein or that there is on such premises more liquor than is reasonably required for the persons residing therein shall be deemed *prima facie* evidence of the unlawful keeping for sale of liquor by such person. C.O., c. 89, s. 117.

What prima facie evidence of sale

121. The production of a license which on its face purports to be duly issued and which were it duly issued would be a lawful authority to the defendant for such an act or omission shall be *prima facie* evidence that the defendant is so authorised; and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. C.O., c. 89, s. 118.

Proof of licenses

COSTS TO INSPECTORS.

122. In any prosecution under this Act if an inspector attends the court as prosecutor or witness it shall be lawful for the justice trying the case to order the defendant in case of a conviction to pay to the inspector in addition to any costs payable to him as informant or complainant the following costs:

Costs allowed inspector attending court as prosecutor or witness

- (a) In case he travels by railway or stage the fares actually required to be paid by him coming and returning;

- (b) If he travels by a hired conveyance the sums actually required to be paid by him for conveyance, coming and returning and for stabling and feed;
 - (c) If he travels in his own conveyance ten cents per mile each way;
 - (d) To cover all other expenses \$2 per day actually occupied in going to, attending at and returning from the trial;
 - (e) In cases of adjournment at the instance of the defendant similar additional allowances to be made when the inspector is actually in attendance.
- (2) The foregoing expenses shall be verified by the oath of the inspector.
- (3) In case the person convicted does not forthwith pay such costs the inspector shall be entitled to be paid the amount out of the general revenue fund.
- (4) In case of prosecution by an inspector where no conviction is procured then upon the written certificate of the justice trying the case that there were reasonable grounds for the prosecution the inspector shall be entitled to be paid the said costs and any costs he has been required to pay as informant or complainant out of the general revenue fund.
- (5) Subsections (3) and (4) of this section shall not apply to any inspector who receives salary in lieu of all other charges and expenses. C.O., c. 89, s. 119; 1901, c. 33, s. 16.

INTERDICTION.

Interdiction
for
intemper-
ance
procedure

123. When complaint under oath is made to a justice that any person by excessive drinking of liquor misspends, wastes or lessens his estate or greatly injures his health or endangers or interrupts the peace and happiness of his family the said justice shall institute proceedings under part XV of *The Criminal Code* against such person and on finding the complaint well founded shall by order in form K hereto forbid every licensed person in the province to sell him liquor for the space of two years. C.O., c. 89, s. 120; 1900, c. 32, s. 16.

Notice of
interdiction
to be given
to licensees

124. Immediately after granting the order provided for in the next preceding section the justice making the same shall transmit it together with the complaint and the evidence taken thereon before him to the attorney general who thereupon shall transmit by registered post or deliver a notice in form L in schedule 1 hereto to all licensees whose premises are in the locality where such interdicted person lives.

Penalty for
supplying

(2) Whenever the sale of liquor to any such drunkard shall have been so prohibited any person with a knowledge

of such prohibition who gives, sells, purchases or procures liquor to any liquor to, for or on behalf of such prohibited person or person for his or her use during the period of such prohibition shall be guilty of an offence and upon summary conviction thereof shall be liable for every such offence to a penalty of not less than \$50 nor more than \$200 and in default of payment forthwith after conviction to not less than two months' nor more than twelve months' imprisonment and if a licensee his license shall *ipso facto* be forfeited. C.O., c. 89, s. 121; 1900, c. 32, s. 17.

(3) Any interdicted person who frequents or is found in the bar room of any licensed hotel or on premises for which a wholesale license has been granted shall be guilty of an offence against this Act and on being so found in any such bar room or premises for which a wholesale license has been granted may be arrested and on summary conviction shall be liable to a fine of not more than \$50 and in default of payment forthwith after conviction to imprisonment for not more than one month.

125. The following persons, viz.:

- (a) Any husband or wife whose wife or husband has contracted the habit of drinking intoxicating liquors to excess;
- (b) The person himself or the father, mother, brother, sister, son or daughter if twenty-one years of age, curator, guardian or employer of any person who has contracted the habit of drinking intoxicating liquors to excess;
- (c) The manager or person in charge of an asylum or hospital or other charitable institution in which any person who has contracted the habit of drinking intoxicating liquors to excess resides or is kept;
- (d) The curator or committee of any lunatic; or
- (e) The father, mother, brother or sister of the husband or wife of any person who has contracted the habit of drinking intoxicating liquors to excess;

Certain persons may require inspector to give interdiction notice

may upon proof to the satisfaction of an inspector of his right to do so and of the necessity therefor require him to give notice in writing in form M in schedule 1 hereto signed by him to all licensees whose premises are in the locality where such drunkard or lunatic resides not to sell, give or deliver or suffer to be sold, given or delivered to such drunkard or lunatic any intoxicating liquor for the period of one year from the date of such notice and such inspector shall thereupon give such notices and shall forward to the person interdicted a notice in form N in schedule 1 hereto and shall at the same time forward to the attorney

general a duplicate of such last named notice with a list of the licensees to whom such notice has been given.

Penalty for
supplying
liquor to
interdicted
person

(2) Whenever the sale of liquor to any such drunkard shall have been so prohibited any person with a knowledge of such prohibition who gives, sells, purchases or procures to, for or on behalf of such prohibited person or for his or her use any liquor during the period of such prohibition shall be guilty of an offence and upon summary conviction thereof be liable to incur for every such offence a penalty not less than \$50 nor more than \$200 and in default of payment forthwith after conviction to not less than two months' nor more than twelve months' imprisonment and if a licensee his license shall *ipso facto* be forfeited. C.O., c. 89, s. 122; 1901, c. 33, ss. 17 and 19; 1904, c. 14, s. 5.

Examination
of
interdicted
person as
witness

126. In any prosecution or proceedings under any of the next preceding sections relating to interdiction no interdicted person required to be examined as a witness shall be excused from being so examined or from answering any question put to him touching the sale or delivery to him of any liquor on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly or to answer any such question shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court and refusing without lawful cause or excuse to be sworn or give evidence may by law be dealt with; and every person so required to be examined as a witness who upon such examination makes true disclosure to the best of his knowledge of all things as to which he is examined shall receive from the justice before whom such proceeding is had a certificate in writing to that effect and shall be freed from all prosecutions and from all penalties and punishments to which he has become liable for anything done before that time under the provisions of section 127 hereof in respect of the matters regarding which he has been examined; and any prosecution or proceeding pending or brought against such witness under the provisions of section 127 hereof in respect of any matter regarding which he has been so examined shall be stayed upon the production and proof of such certificate if the said certificate states that such witness made a true disclosure in respect to all things as to which he was examined C.O., c. 89, s. 122 (2).

Interdicted
person
obtaining
liquor

127. Any person to whom the sale of liquor has been prohibited under this Act who either directly or indirectly in any way procures or permits the sale, disposal, gift or delivery to him by any person of any intoxicating liquor during the period of such prohibition shall be liable on summary conviction thereof to a fine of not more than \$50

and in default of payment forthwith after conviction to ^{Penalty} imprisonment for not more than one month; in any prosecution under this section if intoxication on the part of the defendant be proved he shall be held to have been guilty of an offence and in any such case it shall not be necessary in any proceedings to state the name of the person from whom the liquor has been procured or by whom the sale, disposal, gift or delivery of liquor has been made. C.O., c. 89, s. 123.

128. Any person to whom the sale of liquor has been prohibited under any of the provisions of this Act may at any time during the period of such prohibition apply to the judge of the district court for the judicial district in which such person resides to set aside such order or notice; and the judge may upon hearing the said person and any witnesses either *viva voce* or upon affidavit set aside the said prohibition or notice or dismiss the said application as in his discretion may seem best. ^{Judge of district court may set aside interdiction order or notice}

(2) Ten clear days' notice of intention to so apply shall be served upon the inspector who gave the notice or in case of such prohibition being under order of a justice or justices then upon such justice or justices and upon the person who required the inspector to give the notice or the person who made the complaint before the justice, as the case may be, and also upon such other person or persons as shall be directed by the judge. ^{Notice of application}

LOCAL OPTION BYLAWS.

129. No license shall be recommended by the board for the sale of liquor within the limits of a city, town or rural municipality ^{Local option bylaws} when it shall have been made to appear to the board that a bylaw has been passed by the council of said city, town or rural municipality in the manner hereinafter mentioned declaring in favour of the prohibition of the sale of intoxicating liquors in said city, town or rural municipality and against the issue of licenses therefor. ^{Am 1909 p 264}

(2) For the purposes of this and the remaining sections of this Act a rural municipality shall be deemed to include any village or villages situated within the boundaries of such rural municipality and such village or villages shall be deemed to be part of the rural municipality; and a city shall in cases where cities form part of a city constituency as provided for in *The Saskatchewan Election Act* mean and include all the territory comprised within the said city constituency. ^{Interpretation}

130. A local option bylaw shall be voted on by the people as hereinafter provided and shall be submitted only on the council of the city, town or rural municipality receiving a petition from twenty-five per cent. in number of the persons entitled to vote on such bylaw asking the council to submit such bylaw. ^{Voting on bylaw} ^{Rep. House Dec 1909 p 264}

Assent of
majority
necessary

131. Any such bylaw shall require the assent of the majority of the persons ~~whose names appear on the voters' lists hereinafter provided for who vote on such bylaw and herein~~ *after provided*

Time and
place of
voting

132. The council shall by bylaw fix the date, hour and place for taking a vote on the bylaw to be submitted; the date of voting on the bylaw shall be the date of the holding of the annual election of the council of the municipality.

Publication
of notice

133. The council shall after the first and second readings of the proposed bylaw and before the third reading and passing thereof publish in some newspaper in the municipality if one be published therein and if no paper be published in the municipality in the paper published nearest to such municipality a notice stating the object or purpose of the proposed bylaw, that same has been submitted to the council and has received its first and second readings and that a vote thereon will be taken on the date and at the hour and places fixed as provided by this Act and that the proposed bylaw or a true copy thereof can be seen on file until the day of taking the vote at the office of the clerk, secretary or secretary treasurer of the municipality and that the further consideration of the proposed bylaw after taking the said vote is fixed for the time and place appointed therefor by the council (naming such time and place); and such notice shall be signed by the clerk, secretary or secretary treasurer of the municipality in which the vote is to be taken; and such notice shall be published for at least one month before the vote is taken but no more than one insertion each week shall be necessary.

Clerk of the
Executive
Council to
provide
voters'
lists

134. It shall be the duty of the clerk of the Executive Council on being requested so to do by the council of any city, town or rural municipality proposing to submit a local option bylaw to prepare from the voters' list or voters' lists compiled for the purposes of the election of members to the Legislative Assembly for the electoral division or divisions in which the city, town or rural municipality or any part thereof is situated a list showing the names and places of residence of all persons who appear by such voters' list or voters' lists to be residents of the city, town or rural municipality and such lists when furnished to the council shall be the voters' list for the purpose of taking a vote on the bylaw to be submitted hereunder.

Provisions
of municipal
law
applicable

135. Except as herein otherwise provided all the provisions of *The City Act*, *The Town Act* or the municipal law in force in respect of rural municipalities, as the case may be, requiring anything to be done prior to, at or in connection with a poll or vote on a bylaw required to be voted upon shall apply to the vote or poll to be taken hereunder.

136. In case of a dispute as to the result of the vote or in case proceedings are taken to quash the bylaw the judge of the district court of the judicial district in which the municipality is wholly or mainly situated shall have the same power to determine the question as he has in any case of a recount of votes or an application to quash a bylaw, as the case may be, under *The City Act*, *The Town Act* or the municipal law in force in respect of rural municipalities, as the case may be.

(2) 1909 p 266

137. Any such bylaw which is carried by the majority aforesaid shall within six weeks thereafter be read the third time and passed by the council of the city, town or rural municipality in which the same was submitted.

Jurisdiction of district court judge
Third reading of bylaw
Rep. h.w. Que. 1909 p 267

138. In case of a petition being presented against any such bylaw the bylaw shall not be read the third time and passed by the council until the petition has been disposed of and the time that intervenes between the time of presenting the petition and the final disposing thereof shall not be reckoned as part of the six weeks within which the bylaw is to receive its third reading and be passed.

Petition against bylaw
Rep. h.w. Que. 1909 p 267

(2) In case such bylaw submitted as aforesaid fails to receive the assent of the majority aforesaid the council shall not pass the same and no bylaw for the same purpose shall be again submitted to the people of such city, town or rural municipality respectively for a period of two years thereafter.

Failure of bylaw to receive majority assent

139. At any time after a local option bylaw passed as aforesaid has been in force for at least two years the council of any city, town or rural municipality on receiving a petition of twenty-five per cent. in number of the persons entitled to vote on such bylaw asking the council to do so shall submit a bylaw to repeal such bylaw and all provisions of this Act relating to the passing of a local option bylaw shall apply to such repealing bylaw.

Petition for repeal of bylaw
Rep. 1909 p 267

140. In case any such repealing bylaw be carried no new local option bylaw shall be submitted for a period of two years after the passing of such repealing bylaw and if any such repealing bylaw is not so carried no other repealing bylaw shall be submitted for a period of two years thereafter.

Procedure on repeal or nonrepeal
Rep. 1909 p 267

141. In case any territory forming part of a rural municipality wherein a local option bylaw is in force be detached and added to any other municipality where no such bylaw is in force or in case any such territory becomes a city or town all the provisions of the said local option bylaw shall cease to affect or have any force in the said detached territory or city or town, as the case may be; and in case any territory is detached from a rural municipality wherein no local option

Change of boundaries
Rep. h.w. Que. 1909 p 267

bylaw is in force and is added to another municipality or other municipalities where a local option bylaw is in force the said territory so detached and added as aforesaid shall be subject to all the provisions of the said local option bylaw in force in the municipality thereby increased to all intents and purposes as if the said territory formed part of the increased municipality at the time of the passing of said local option bylaw.

MEMBERS OF LEGISLATIVE ASSEMBLY.

Bonds

142. No member of the Legislative Assembly except he be a licensee shall be a party to any bond to be given under this Act nor shall he be a party to any petition for a license under this Act.

Lieutenant
Governor in
Council may
vary, etc.,
forms

143. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedules to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided by the schedules to this Act.

see p. 628

(144) 1909 p 269

SCHEDULE 1.

FORM A.

(Section 30.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

PETITION.

To the Board of License Commissioners:

The petition of the undersigned humbly sheweth:

(a) That your petitioner make application for a (1) *renewal of, transfer of*, (2) license to sell intoxicating liquors in the building occupied by your petitioner at in the Province of Saskatchewan and described as (3)

(b) Your petitioner has deposited with the proper officer the sum of ten dollars the fee payable for such application.

(c) Your petitioner produce (4) (the recommendation of at least ten out of the twenty nearest householders to the said ~~also~~) own affidavit and the affidavit of two respectable neighbours to prove qualifications to obtain a license.

(d) Your petitioner the true owner of the business for which this application for a license is made.

(e) Your petitioner the (5) *owner of, lessee of the premises in respect of which this application for a license is made, (6) and ha a lease of the said premises for the full term for which the license is asked.*

(f) Your petitioner ha never been convicted of unlawfully selling or otherwise disposing of liquor without the license therefor by law required.

(g) Your petitioner ha never been convicted of selling or supplying liquor to an Indian or to an interdicted person.

(h) And your petitioner pray that a license may be granted to accordingly.

Dated at this }
day of 19 , }
and signed in presence of } *Signature.*

(1) If a first application strike out the words in italics.

(2) Insert description of license, as wholesale or hotel.

(3) Give full description of premises, as situate on lot, etc., known as the hotel, etc.

(4) The words in brackets to be left out when a recommendation is not required.

(5) Strike out words in italics not used.

(6) Strike out the words in italics if owner.

AFFIDAVIT VERIFYING PETITION.

I, (We) of the ~~Strike out~~
applicant herein described for a *hotel, wholesale* license to ~~word in~~
sell intoxicating liquors make oath and say: ~~italic not~~
~~used~~

1. That all the statements made by in ~~Strike out~~
the within petition for a *hotel, wholesale* license to sell ~~word in~~
intoxicating liquors are true in substance and in fact. ~~italic not~~
~~used~~

Sworn by said
before me at
in the Province of Saskatchewan }
this day 19 }

.....
A Justice of the Peace, Notary Public or Commissioner.

FORM B.

(Section 30.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

HOUSEHOLDERS' RECOMMENDATION.

We, the undersigned, hereby severally declare that
 is (or are) personally known to us; that we are at least
 ten of the twenty householders nearest in a direct line to the
 wherein the applicant intend to
 sell intoxicating liquors, as specified in petition; that we
 have read or heard read to us the whole of this recommenda-
 tion before signing it; and we recommend the applicant
 is (or are) fit and proper person to obtain a license to sell
 intoxicating liquors in the
 occupied by the said applicant at in the
 Province of Saskatchewan and we consider it for the
 convenience of the public that a license should be granted to
 the said applicant.

Name	Date of signature	Distance in yards in a direct line from the pro- posed licensed premises.
	190	

Note: For meaning of "householder" see section 2 of *The Liquor License Act.*

I, the undersigned do certify that
 all the persons whose names are appended to the within
 recommendation are personally known to me and have signed
 the same in my presence and the date upon which each person
 signed the said recommendation is directly set opposite the
 name of each person respectively.

Dated at in the Province of Saskatchewan
 this day of A.D. 19 .

.....
*Justice of the Peace, Notary Public
 or Commissioner for Oaths.*

FORM E.

(Section 48.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

BOND BY APPLICANT FOR HOTEL OR WHOLESALE LICENSE.

Know all men by these presents that we

of
of
and of
are held and firmly bound unto his Majesty the King, his heirs and successors as follows, that is to say: The said in the sum of five hundred dollars of good and lawful money of Canada, the said in the sum of two hundred and fifty dollars of like good and lawful money, and the said in the sum of two hundred and fifty dollars of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us and our legal personal representatives firmly by these presents.

Strike out
word in
italics not
used

Whereas the above bounden is (are)
about to obtain a license to keep a for the sale
of liquor in the of The
condition of this obligation is such, therefore, that if the said
pay all fines and penalties which
may be condemned to pay for any offence against any statute
or other provision having the force of law, now or hereafter
to be in force relative to such license for sale of
liquor and does, performs and observes all the requirements
thereof and conforms to all rules and regulations that are or
may be established by competent authority in such behalf;
then this obligation shall be null and void, otherwise it shall
remain in full force, virtue and effect.

In witness whereof we have signed these presents with our
hands and sealed them with our seals this day of
one thousand nine hundred and

Signed, sealed and delivered
in the presence of us [L.S.]
..... [L.S.]
..... [L.S.]

AFFIDAVIT OF JUSTIFICATION.

We of the and of the
the securities in the within bond named do
severally make oath and say as follows:

(1) I, the said _____, for myself say that I am a householder residing at _____ and that I am worth property situate in the Province of Saskatchewan to the amount of two hundred and fifty dollars over and above the exemptions allowed by law and what will pay my just debts.

(2) And I, the said _____, for myself say that I am a householder residing at _____ and that I am worth property situate in the Province of Saskatchewan to the amount of two hundred and fifty dollars over and above the exemptions allowed by law and what will pay my just debts.

The above named

and _____ were
severally sworn before me at
this _____ day of
19 _____

.....
*A Justice of the Peace, Notary Public
or Commissioner for Oaths.*

FORM F.

(Section 12.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

LICENSE.

Whereas _____ of _____ in the Province of Saskatchewan ha made application for a license to sell intoxicating liquors in the _____ and it having been made to appear to the Board of License-Commissioners that the said _____ ha complied with the provisions of the Act in that behalf this is to certify that the said _____ hereby licensed, as provided by law, to sell intoxicating liquors in manner aforesaid at said place of business from the _____ day of _____ 19 _____ until midnight on the _____ day of _____ 19 .
Dated this _____ day of _____ 19 .

.....
Attorney General.

FORM G.

(Section 12.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

BREWERS AND DISTILLERS LICENSE.

This is to certify that under the provisions of *The Liquor License Act* of the of is hereby licensed to keep at his warehouse at in the Province of Saskatchewan and to sell by wholesale therefrom intoxicating liquors manufactured by him in quantities specified by section 4 of the said Act from the day of to the day of

Dated at Regina this day of 19 .

.....
*Attorney General*¹.

FORM H.

(Section 12.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

COMMERCIAL TRAVELLER'S LICENSE.

This is to certify that under the provisions of *The Liquor License Act* of representing of the in the Province of is hereby licensed to take orders in the Province of Saskatchewan for intoxicating liquors in quantities specified by section 13 of the said Act to be imported into the said province to fill such orders from the day of 19 , to the thirtieth day of June, 19 .

Dated at Regina this day of 19 .

.....
Attorney General.

FORM I.

(Section 38.)

PROVINCE OF SASKATCHEWAN.

The Liquor License Act.

PROTEST.

To the Board of License Commissioners:

We, the undersigned, do hereby protest against the granting of a *hotel, wholesale* license to sell intoxicating liquors to for the following reasons:

Strike out
word in
italics not
used

Name	Date of signing	Distance in yards in a direct line from the proposed licensed premises

I, the undersigned, do certify that all persons whose names are appended to the above protest are personally known to me and have signed in my presence and that they are comprised within the twenty nearest householders to the for which has applied for a license and the date upon which each person signed the said protest is directly set opposite the name of each person respectively.

Dated at in the Province of Saskatchewan
this day of A.D. 19

Justice of the Peace, Notary Public
or Commissioner for Oaths.

FORM J.

(Section 98.)

FORM OF DECLARATION OF FORFEITURE OF LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, proceed thus:

And I declare the said liquor and vessels in which the same is kept to wit: two barrels containing beer, three jars containing whisky, two bottles containing gin, four kegs

containing larger beer and five bottles containing native wine (or as the case may be) to be forfeited to his Majesty.

Given under my hand and seal the day and year first above mentioned at, etc.

(Section 98.)

If by corporate or subsequent order.

Canada:
Province of Saskatchewan. }
To wit:

I, _____, one of his Majesty's justices of the peace in and for the Province of Saskatchewan, having on the day of _____ one thousand _____ at the _____ of _____ in the said Province of Saskatchewan duly convicted _____ of having unlawfully kept liquor without a license, do hereby declare the said liquor and vessels in which the same is kept, to wit: *(describe the same as above)* to be forfeited to his Majesty.

Given under my hand and seal this _____ day of _____ 19 _____ at the _____ of _____ in the said province.

.....[L.S.]

*J.P. in and for the
Province of Saskatchewan.*

FORM K.

(Section 123.)

Canada: } Be it remembered that on the
Province of Saskatchewan, } day of _____ 19 _____

complaint was made before the undersigned a justice of the peace in and for the said province:

That _____ *(state name and occupation and set out the facts as stated in the complaint)* and now having duly heard the matter of the said complaint I do order that during the period of two years from the date hereof no licensee after notice of this order shall sell any liquor to the said _____

Given under my hand and seal this _____ day of _____ 19 _____ at the _____ of _____ in the said province.

.....
J.P. in and for the Province of Saskatchewan.

FORM L.

(Section 124.)

NOTICE OF INTERDICTION.

Canada: }
 Province of Saskatchewan. } Regina, Sask., 1

To of Province of Saskatchewan.

SIR,—In pursuance of *The Liquor License Act* you are hereby notified that , of in the said province, labourer (*or as the case may be*) is interdicted from the use of intoxicating liquors, on order made by a justice of the peace in and for the Province of Saskatchewan, bearing date the day of 19 and you are required to govern yourself accordingly.

You are liable if during the period of two years from the date of said order you give, sell, purchase or procure to, for or on behalf of such prohibited person or for his or her use any liquor, upon conviction, to a penalty of not less than \$50 nor more than \$200 and in default of payment to not less than two months' nor more than twelve months' imprisonment and if you are a licensee, forfeiture of license.

Your obedient servant,

.....
Attorney General.

FORM M.

(Section 125.)

NOTICE OF INTERDICTION.

Canada: }
 Province of Saskatchewan. }

Take notice that under the provisions of section 125 of *The Liquor License Act* I have been required to notify you that you are not during the period of one year from the date of this notice to directly or indirectly sell, give or deliver or suffer to be sold, given or delivered to (*here insert name and description of person*) any intoxicating liquor under a penalty of two hundred dollars and absolute forfeiture of your license.

Dated at this day of
 19 .

.....
Inspector.

FORM N.

(Section 125.)

NOTICE OF INTERDICTION.

Canada: }
 Province of Saskatchewan. }

To _____ of _____

Take notice that under the provisions of section 125 of *The Liquor License Act* I have this day interdicted you from the use of intoxicating liquor for the space of one year from the date hereof.

Failure on your part to observe this interdiction will render you liable to a penalty of \$50.

Dated at _____ this _____ day
 of _____ 19 _____

Inspector.

SCHEDULE 2.

FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed:*

That X.Y. having a license for sale by wholesale (or an hotel license) on _____ unlawfully or wilfully (or negligently) omitted to expose the said license in his warehouse (or in the bar room of his hotel as the case may be).

2. *Sale without license:*

That X.Y. on the _____ day of _____
 in the year of our Lord one thousand _____
 at _____ in the _____
 of _____ unlawfully did sell liquor without the license therefor by law required.

3. *Keeping liquor without license:*

That X.Y. on _____ at _____
 unlawfully did keep liquor for the purpose of sale, barter and traffic therein without the license therefor by law required.

4. *Sale of liquor on licensed premises during prohibited hours:*

That X.Y. on _____ at _____
 in his premises (or on or out of or from his premises) being a place where liquor may be sold, unlawfully did sell (or dispose of) liquor during the time prohibited by *The Liquor License Act* for the sale of the same, without any requisition for medical purposes, as required by the said Act being produced by the vendee or his agent.

5. *Allowing liquor to be drunk on licensed premises during prohibited hours:*

That X.Y. on _____ at _____
in his premises, being a place where liquor may be sold by retail (or wholesale) unlawfully did allow (or permit) liquor to be drunk in such place during the time prohibited by *The Liquor License Act* for the sale of the same by a person other than the licensee or some member of his family or a lodger in his house.

6. *Sale of less than one quart under wholesale license:*

That X.Y. having a wholesale license on _____
at _____ unlawfully did sell liquor in less quantity than one half gallon (or one reputed quart bottle or two reputed pint bottles as the case may be).

7. *Allowing liquor to be consumed upon wholesale premises:*

That X.Y. having a wholesale license on _____
at _____ unlawfully did allow liquor sold by him (or in his possession) and for the sale of which a license is required, to be consumed within his premises (or within the building of which his premises forms a part or within a building which communicates by an entrance with his premises) by a purchaser of such liquor (or by a person not usually resident within the building of which such premises forms a part).

8. *Illegal sale by druggists:*

That X.Y. being a chemist (or druggist) on _____
at _____ did unlawfully sell liquor for other than strictly medicinal purposes (or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner or sell liquor without recording the same) as required by *The Liquor License Act*.

9. *Keeping a disorderly house:*

That X.Y. being the keeper of (house of public entertainment) situate in the town of _____ in the district of _____ on _____ in his said hotel unlawfully did sanction (or allow) gambling, (or riotous or disorderly conduct) in his said hotel.

10. *Harbouring constables on duty:*

That X.Y. being licensed to sell liquor at _____ on _____ unlawfully and knowingly did harbour (or entertain or suffer to abide and remain) on his premises O.P., a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order or executing his duty.

11. *Compromising or compounding a prosecution:*

That X.Y. having violated a provision of *The Liquor License Act* on _____ at _____ unlawfully

did compromise (or compound or settle or offer or attempt to compromise, compound or settle) the offence with *A.B.* with the view of preventing any complaint being made in respect thereof (or with the view of getting rid of or of stopping or of having the complaint made in respect thereof dismissed, as the case may be).

12. *Being concerned in compromising a prosecution:*

That *X.Y.* on at unlawfully was concerned in (or a party to) a compromise (or a composition or a settlement) of an offence committed by *O.P.* against a provision of *The Liquor License Act*.

13. *Refusing to admit policeman:*

That *X.Y.* on at being in (or having charge of) the premises of *O.P.* being a place where liquor is sold (or reputed to be sold) unlawfully did refuse (or fail) to admit (or did obstruct or attempt to obstruct) *E.F.* an officer demanding to enter in the execution of his duty (or did obstruct or attempt to obstruct *E.F.* an officer making searches in the said premises and in the premises connected with such place).

14. *Officer refusing to prosecute:*

That *X.Y.* being a police officer (or constable or inspector of licenses) in and for the knowing that *O.P.* had on at committed an offence against a provision of *The Liquor License Act* unlawfully and wilfully did and still does neglect to prosecute the said *O.P.* for his said offence.

15. *Refusing or failing to supply lodging, meals or accommodation to travellers:*

That *F.X.* being the keeper of an hotel in respect of which an hotel license has been duly issued and is in force, on at unlawfully failed or refused personally (or through someone acting on his behalf) to supply lodgings, meals or accommodation to a traveller as required by *The Liquor License Act*.

16. *Selling liquor to any one under eighteen years of age:*

That *X.Y.* at on unlawfully did sanction (or allow) to be supplied in his licensed premises by purchase (or otherwise) liquor to a person under the age of eighteen years not being a resident on the premises or a *bona fide* guest, lodger or traveller.

17. *Allowing internal communication between licensed and unlicensed premises:*

That *X.Y.* at on unlawfully did sanction (or allow) to be made or used an internal communication between his licensed premises and unlicensed premises which are used for public entertainments and resort (or as a refreshment house).

18. *Obtaining liquor by false representations:*

That X.Y. at _____ on
unlawfully did by falsely representing himself to be a lodger,
buy or obtain (or attempt to buy or obtain) at
liquor during the period during which such premises are
required to be closed in pursuance of *The Liquor License Act*.

19. *Interdiction:*

That X.Y. by excessive drinking of liquor misspends,
wastes (or lessens if the fact be so) his estate (or greatly
injures his health or endangers or interrupts the peace and
happiness of his family).

FORM O.

FORM OF INFORMATION LAID OR COMPLAINT MADE (AS THE
CASE MAY BE).

Canada: } The information of A.B., of the
Province of Saskatchewan. } of in
To wit: } the of laid
(or complaint made as the case may be) upon oath (or affirm-
ation) before me C.D., one of his Majesty's justices of the
peace, in and for the Province of Saskatchewan, the
day of one
thousand nine hundred and

The said informant says he is informed and believes that
X.Y. on or about the
day of 19 at the
in the Province of Saskatchewan, unlawfully did sell liquor
without the license therefor by law required (or as the case
may be).

Laid, sworn (or affirmed) and signed }
before me the day and year, and } A.B.
at the place first above mentioned.

C.D.,

J.P. in and for the Province of Saskatchewan.

FORM P.

FORM OF INFORMATION FOR SECOND, THIRD OR FOURTH
OFFENCE.

Canada: } The information of A.B., of etc.,
Province of Saskatchewan. } laid upon oath (or affirmation)
To wit: } before me, C.D., one of his
Majesty's justices of the peace in and for the Province of
Saskatchewan, the day of 19 .

The said informant says he is informed and believes that X.Y. on _____ at _____ (describe last offence);

And further that the said X.Y. was previously, to wit: on the _____ day of _____ 19____, at the _____ of _____, before E.F., one of his Majesty's justices of the peace in and for the Province aforesaid, duly convicted of having on the _____ day of _____, 19____, at the _____ of _____ in the Province of Saskatchewan unlawfully sold liquor without the license therefor required by law (or as the case may be);

And further that the said X.Y. was previously, to wit: on the _____ day of _____ 19____, at the _____ of _____ in the Province of Saskatchewan, before, etc., (as in preceding paragraph) again duly convicted of having on the _____ day of _____ 19____, at

the _____ of _____ in the Province of Saskatchewan, having a wholesale license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance within his premises by a person not usually resident within the building of which such premises form a part (or as the case may be).

And further that the said X.Y. was previously, to wit: on the _____ day of _____ 19____, in the Province of Saskatchewan, before etc., (see above) again duly convicted of having on the _____ day of _____ 19____, at the _____ of _____ in the Province of Saskatchewan (being in charge of the premises of O.P., a place where liquor was reputed to be sold) unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty (or as the case may be).

And the informant says the offence hereinbefore firstly charged against the said X.Y. is his fourth (or as the case may be) offence against *The Liquor License Act*.

Laid, sworn (or affirmed) and signed }
before me the day and year, and } A.B.
at the place first above mentioned. }

C.D.,

J.P. in and for the Province of Saskatchewan.

FORM Q.

SUMMONS TO WITNESS.

Canada:
Province of Saskatchewan. }
To wit:

To J.K., of the _____ of _____ in
the _____ of _____

Whereas information has been laid before me C.D., one
of his Majesty's justices of the peace in and for the Province
of Saskatchewan that X.Y., being a druggist, on the

day of _____ 19 _____, at the
_____ of _____ unlawfully
did sell liquor for other than strictly medicinal purposes (or
as the case may be) and it has been made to appear to me
that you are likely to give material evidence on behalf of the
prosecution in this matter;

These are to require you to be and appear on
the _____ day of _____
19 _____, at _____ o'clock in the _____ noon at
the _____ in the _____
of _____ before me or such justice or
justices of the peace as may then be there to testify what you
know concerning the said charge so made against the said
as aforesaid (and also to bring with you and
there and then to produce all and every invoices, day books,
cash books or ledgers and receipts, promissory notes or other
security relating to the purchase or sale, or sale of liquor
by the said X.Y., and all other books and papers, accounts,
deeds and other documents in your possession, custody or
control relating to any matter connected with the said prose-
cution). Herein fail not.

Given under my hand and seal this
day of _____ 19 _____, at the
of _____ in the Province of Saskatchewan.
C.D. [L.S.]

J.P. in and for the Province of Saskatchewan.

FORM R.

FORM OF CONVICTION FOR FIRST OFFENCE.

Canada:
Province of Saskatchewan. }
To Wit:

Be it remembered that on the _____ day
of _____ 19 _____, at the
_____ of _____ in the Province
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of Saskatchewan X.Y. is convicted before me, E.F., one of his Majesty's justices of the peace in and for the said Province, for that he, the said X.Y., on the
day of

19 at the of in
the in his premises, being a place where liquor may be sold, unlawfully did sell liquor during the time prohibited by *The Liquor License Act* for the sale of the same without any requisition for medicinal purposes as required by the said Act, being produced by the vendee or his agent (*or as the case may be*), A.B. being informant, and I adjudge said X.Y. for his said offence to forfeit and pay the sum of dollars to be paid and applied according to law, and also to pay to the said A. B. the sum of dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then * I order the said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf * (*or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress then instead of the words between the asterisks* * say inasmuch as it has now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said X.Y. and his family, or that the said X.Y. has no goods or chattels whereon to levy the said several sums by distress), I adjudge the said X.Y. to be imprisoned in the common gaol at in the said and there to be kept for the space of unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol shall be sooner paid.

Given under my hand and seal the day and year first above mentioned at the of in the Province aforesaid.

C. D., [L. s.]

J.P. in and for the Province of Saskatchewan.

FORM S.

FORM OF CONVICTION FOR A THIRD OFFENCE.

Canada:
Province of Saskatchewan. }
To Wit:

Be it remembered that on the day
of 19 at of in
the said province, X.Y. is convicted before the undersigned
C.D., one of his Majesty's justices of the peace in and for

the said province, for that the said *X.Y.* on the
 day of 19 at
 in the said (as the case
may be) having violated a provision of *The Liquor License*
Act, unlawfully did attempt to settle the offence with *A. B.*,
 with the view of having the complaint made in respect
 thereof dismissed (or as the case may be);

And it appearing to me that the said *X.Y.* was previously
 to wit: on the day of
 19, at the of before, etc.,
 duly convicted of having on the day of
 19, at the of unlawfully
 sold liquor without the license therefor by law required (or
 as the case may be);

And it also appearing to me that the said *X.Y.* was previ-
 ously to wit: on the day of
 19, at the of before, etc.,
 (see above) again duly convicted of having on the
 day of 19, at the being
 the keeper of licensed premises situate in the said
 of unlawfully allowed gambling in his said
 licensed premises (or as the case may be);

I adjudged the offence of the said *X.Y.*, hereinbefore
 firstly mentioned to be his third offence against *The Liquor*
License Act (*A. B. being the informant*) and I adjudged the
 said *X.Y.* for his third offence to be imprisoned in the
 common gaol at of the said of
 at in the said Province
 of Saskatchewan there to be kept for the space of three
 calendar months (or as the case may be).

Given under my hand and seal the day and year first
 above mentioned, at in the Province of
 Saskatchewan.

C. D. [L. s.]

J.P. in and for the Province of Saskatchewan.

FORM T.

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

Canada: }
 Province of Saskatchewan. }
 To Wit:

To all or any of the constables and other peace officers
 in the of and the
 keeper of the common gaol of the said at
 in the

Whereas *X.Y.*, late of the _____ of _____ in the said _____ was on this day convicted before the undersigned *C.D.*, one of his Majesty's justices of the peace in and for the Province of Saskatchewan, for that he, the said *X.Y.*, on _____ at _____ unlawfully did sell liquor without the license therefor by law required (*state offence as in the conviction*) (*A.B. being the informant*) and it was thereby adjudged that the said *X.Y.*, for his said offence should forfeit and pay the sum of _____ (*as in conviction*) and should pay to the said *A. B.* the sum of _____ for his costs in that behalf;

And it was thereby further adjudged that if the said several sums should not be paid forthwith the said *X.Y.* should be imprisoned in the common gaol at _____ in the said province there to be kept for the space of _____ unless the said several sums and the costs and charges of conveying the said *X.Y.* to the said common gaol should be sooner paid;

And whereas the said *X.Y.* has not paid the several sums or any part thereof although the time for payment thereof has elapsed;

[If a distress warrant issued and was returned no goods or not sufficient goods, say:

And whereas afterwards on the _____ day of _____ A.D. 1 _____, I, the said justice, issued a warrant to the said constable or peace officer or any of them to levy the said several sums of _____ of _____ and _____ by distress and sale of the goods and chattels of the said *X.Y.*

And whereas it appears to me as well by the return of the said warrant of distress by the constable who had the execution of the same or otherwise that the said constable has made diligent search for the goods and chattels of the said *X. Y.* but that no sufficient distress whereon to levy the said sums could be found.]

[Or where the issuing of a distress warrant would be ruinous to the defendant and his family or if it appears that he has no goods whereon to levy a distress then instead of the foregoing recitals of the issue and return of the distress warrant, etc., say:

And whereas it has been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said *X. Y.* and his family or that the said *X. Y.* has no goods or chattels whereon to levy the said sums by distress (*as the case may be*)];

These are therefore to command your the said constables or peace officers or any of you, to take the said *X. Y.* and him safely convey to the common gaol at _____ in the said Province of Saskatchewan and there deliver him to the said keeper thereof together with this precept;

And I do hereby command you, the said keeper of the said common gaol, to receive the said *X. Y.* into your custody in the said common gaol there to imprison and keep him for the space of _____ unless the said several sums and all the costs and charges of the said distress, amounting to the sum of _____, and of the commitment and conveying of the said *X. Y.* to the said common gaol, amounting to the further sum of _____ shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of
19____, at _____ in the said province.
C. D. [L. s.]

J.P. in and for the Province of Saskatchewan.

✓ 1908

CHAPTER 15.

An Act respecting the Department of the Municipal Commissioner.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Short title 1. This Act may be cited as "*The Municipal Commissioner's Act.*"

2. In this Act unless the context otherwise requires:

Municipality 1. The expression "municipality" includes cities, towns, villages, rural municipalities and also local improvement districts.

Organisation 3. There shall be a department of the public service of the province to be called the "Department of the Municipal Commissioner" over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the municipal commissioner for the time being shall preside.

Powers and duties of the commissioner 4. The municipal commissioner shall be entrusted with the powers and charged with the duties which by any law in force in the province belong to the office of the municipal commissioner.

Officers and clerks 5. The Lieutenant Governor in Council may appoint a deputy commissioner and such inspectors, clerks, assistants and other officers as may from time to time be required and provide for the remuneration of the same; and such deputy, inspectors, clerks, assistants and other officers shall do and perform all such acts and things relating to the business of the department as they may from time to time be directed to do and perform by the commissioner.

Regulations and supplies 6. Subject to the provisions of the various acts in force in the province respecting municipalities the municipal commissioner shall have power to make and enforce regulations governing the methods of book keeping, accounting, recording and auditing to be used in the municipalities of the province;

and to procure and issue to the said municipalities sample sets of books and forms which he may deem necessary for the proper carrying out of the said regulations; and to make and enforce regulations respecting such other matters and things as shall in his opinion be conducive to a thorough and systematic conduct of the affairs of the municipalities by the treasurers and other officers thereof.

7. The municipal commissioner shall have power to settle, adjust and decide any question arising between the councils of different municipalities respecting any rights, powers or duties conferred upon them by any Act in force in the province. Commissioner may settle and adjust question

INSPECTION OF MUNICIPAL BOOKS, RECORDS AND ACCOUNTS.

8. There shall be attached to the department of the municipal commissioner one or more inspectors whose duty it shall be from time to time as required by the commissioner to examine and inspect all books of record and account, all bank books, assessment and collection rolls and all other papers and matters whatsoever belonging to any municipality. Inspection of municipal books, records and accounts

9. The books and records of every municipality shall be so inspected at least once in every year and a special inspection in the case of any municipality may be ordered by the commissioner whenever he may deem it advisable or upon petition of the council of the municipality setting forth clearly the reason why in the opinion of the council such special inspection is deemed necessary. Inspection to be annual and when advisable on petition

10. Every inspector shall have power to require the attendance of any officer of the municipality or of any other person whose presence he may deem necessary during the course of his inspection and he shall have the same power as is exercisable by any judge or court in civil cases to compel the attendance of such officer or other person before him, to compel the production of documents and to take evidence under oath. Power of inspector to require attendance of officers and others at the inspection

11. When required so to do by an inspector every officer of the municipality shall produce for examination and inspection all books, records, papers, documents and other property of the municipality in his possession. Production of documents

12. Any bank or agency of any bank carrying on business in Saskatchewan shall upon request of an inspector acting under the provisions of this Act furnish him with a statement showing the balance or condition of the accounts of any municipality having an account with such bank or agency together with any particulars of same that may be required. Banks to furnish statement of municipal accounts

Inspector to report to commissioner, etc.

13. After the completion of his inspection of the books and records of any municipality it shall be the duty of the inspector to make a report thereon to the commissioner and to the mayor, overseer or reeve of the municipality in the form prescribed by the commissioner.

Power of commissioner to take summary action

14. In the event of any inspector reporting such a condition of affairs in any municipality as in the opinion of the commissioner warrants summary action by the municipal council with respect to the matters referred to in such report and sixty days elapsing without any satisfactory action being taken thereupon by the municipal council the municipal commissioner shall deal with any and all such matters in a manner best calculated to protect and further the interests of the municipality affected; and for such purpose may if thought desirable dismiss from office the treasurer or other officer of a municipality; and in the event of any such dismissal the council shall forthwith appoint another person as treasurer or other officer in his or their place and stead.

Audit of books and accounts of secretary treasurers of municipalities

15. The municipal commissioner may upon the petition of the council or of one-third of the members of the council or in the case of a local improvement district, rural municipality or village of twenty-five freehold electors or in case of a town or city of one hundred freehold electors or burgesses depute one or more persons to audit the books and accounts of the treasurer of any municipality in Saskatchewan for any particular period; and the cost of any such audit to be fixed by the municipal commissioner shall be paid by the municipality.

Duty of inspector to enforce regulations as to book keeping, audit, etc.

16. It shall be the duty of every inspector to see that the regulations made by the commissioner respecting the methods of book keeping, accounting, recording and auditing of municipal affairs are carried out by the officers of every municipality.

Commissioner to have powers of commissioner of public works in administration of local improvement districts

17. The municipal commissioner shall from and after the coming into force of this Act be entrusted with all the powers and charged with all the duties which by *The Local Improvements Act* belong to the office of the commissioner of public works.

(17a) 1909 p 252

Coming into force of Act

18. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

1908

CHAPTER 16.

An Act respecting Cities.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

PRELIMINARY.

1. This Act may be cited as "*The City Act.*" . Short title
2. In this Act unless the context otherwise requires: Interpreta-
tion
 1. "Elector" means a person entitled to vote at municipal and school elections in a city; Elector
 2. "City commissioners" means the commissioners of a city; City com-
missioners
 3. "Council" means the municipal council of a city; Council
 4. "Burgess" is an elector who is such in respect of freehold property; Burgess
 5. "Felony" means any indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over and "misdemeanour" means any offence for which under the said code the extreme penalty is imprisonment for a term less than five years and not less than two years; Felony, etc.
 6. "Income" means the profit or gain (whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling) directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business during the year next preceding that in which the assessment is made and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever; Income
 7. "Business" shall include any trade, profession, calling, occupation or employment; Business

Special franchise

8. "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water and heat, power, transportation, telegraphic, telephonic or other service;

Judge Court

9. "Judge" means a judge of the district court of the judicial district within which the city is situated and "court" or "district court" means the said district court;

Lands

10. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same; and

- (a) Land covered with water;
- (b) Trees and underwood growing upon land;
- (c) Mines, minerals, gas, oil, salt, quarries and fossils in and under land; and
- (d) In case of special franchise, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water but not the rolling stock of any railway or street railway;

Municipality and city

11. "Municipality," "city" or "city municipality" means and includes any city municipality now incorporated as such and also any city municipality hereafter incorporated under the provisions of any Act;

Person

12. "Person" includes a corporation or partnership;

Resident

13. "Resident" means a person residing within the limits of the city;

Revised assessment roll

14. "Revised assessment roll" means the assessment roll of the city or of any ward thereof as finally adopted by the council;

City clerk

15. "City clerk" means the clerk of the city;

Treasurer

16. "Treasurer" means the treasurer of the city;

Referred bylaw

17. "Referred bylaw" means a bylaw referred to the vote of the burgesses and assented to by them as provided in this Act;

Assessor

18. "Assessor" means the assessor of the city;

Revised voters' list

19. "Revised voters' list" means the voters' lists of the city or of any ward thereof as finally revised by the council;

20. "Municipal commissioner" means the municipal commissioner for the province. Municipal commissioner

(2) For the purpose of defining boundaries of a city municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to the Dominion Lands Act, being chapter 55 of the Revised Statutes of Canada, 1906, or pursuant to any Act or Acts which may be passed in amendment thereto or in substitution therefor shall be the boundaries either of townships or of sections. Boundaries of townships and sections for the purpose of this Act

Provided however that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of any Indian reserve shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

21/1909 p 177
3. Wherever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only. Herein

4. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next juridical day; but nothing in this section contained shall extend or apply to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or aldermen. Computation of time

5. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. Extension of time

6. Where forms are prescribed deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice. Forms

7. Where power to make bylaws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others. Make includes alter, etc.

PART I.

Application of Act.

ANNEXATION—WARDS.

8. This Act shall apply to the cities of Regina, Moose Jaw, Saskatoon and Prince Albert and to all other city municipalities which may hereafter be created or established within the province. Application of Act

Additions
to city at
instance of
petitioners

9. Whenever two-thirds of the inhabitants of any territory adjacent to a city desire annexation thereto and present a petition to the council to that effect the Lieutenant Governor in Council with the consent of the council of the city may by proclamation annex the said territory to and make it a part of the city; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Additions
to city at
instance of
the council

10. The Lieutenant Governor in Council may upon the request of the council of any city include within the city any territory adjacent thereto which from the proximity of streets or buildings or the probable future exigencies of the city it may be deemed desirable to include therein or to annex thereto; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Addition to
city for
obtaining
gravel, etc.

11. The council may acquire any estate in landed property within or without the city for obtaining gravel or other road material, for an industrial farm or for the establishment or maintenance of a public park, garden or walk or for a place for exhibitions; and may dispose thereof when no longer required for the purpose or when the council may deem it advisable to dispose of the same; and may accept and take charge of landed property within or without the city dedicated for a public park, garden or walk for the use of the inhabitants of the city.

Ward
system

12. The council may at any time and from time to time by a referred bylaw provide that the city shall be divided into several delineated wards and provide that of the aldermen to be elected a number not exceeding six shall be elected from each ward and shall provide for the retirement of one or more at the expiration of one year and the remainder at the expiration of two years; or for the retirement of all either at the expiration of one year or two years:

Provided that the number of wards and the number of aldermen to be elected from each ward shall be such that the total number of aldermen to be elected shall be an even number; such bylaw shall take effect so as to be applicable to the then next ensuing election and the aldermen then in office shall hold office only until the new council so elected meets as hereinafter provided notwithstanding the term of office for which they were elected shall not have elapsed.

Abolition
of ward
system, etc.

13. The council of any city wherein the ward system has been adopted may by a referred bylaw provide for the abolition of the ward system and for the reversion to the system of the election of aldermen by a general vote of the

electors; such bylaw to take effect so as to be applicable to the then next ensuing election for aldermen; and the aldermen then in office shall hold office only until the new council meets as is hereinafter provided notwithstanding that the term of office for which they were elected shall not have elapsed; the number of aldermen to be elected to be an even number and unless otherwise determined by the said bylaw of the number of aldermen so elected the half receiving the highest number of votes shall hold office for two years and the remaining half for one year and thereafter one-half the required number of aldermen shall be elected annually and shall hold office for two years unless otherwise provided:

Provided however that the term of office of any alderman shall in no case exceed two years.

PART II.

Municipal Government.

14. The powers of the said corporation shall be exercised by the council of the city subject to the provisions herein contained as to commissioners. Powers of council

(2) The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organisation of the council for the next year it may take up and carry on to completion all proceedings commenced but not completed by the last year's council. Council a continuing body

15. The council of the city shall consist of the mayor who shall be the head thereof and of such number of aldermen not less than six nor more than twenty as the council by bylaw shall determine; the remuneration to be paid to the mayor shall be fixed by the council and each of the aldermen shall as remuneration be paid the sum of \$3 per meeting provided that the total sum per year paid to any alderman shall not exceed \$150. Constitution of council *Am 1908-9 p 148*

16. The mayor shall be elected annually by a general vote of the electors in the manner hereinafter provided. Mayor

17. Every person shall be eligible for election as mayor or alderman who is a British subject by birth or by naturalisation, is a male of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act, is resident within the city or within two miles of the limits of the city and is at the time of election the owner of a freehold estate of the value of \$500 over and above all incumbrances rated in his own name on the last revised assessment roll of the city: Persons eligible for council

Persons
disqualified
for council

Provided however that no judge of any court of civil jurisdiction, no sheriff, no gaoler or keeper of any house of correction, no constable, assessor, city clerk, treasurer, auditor or other paid official of the city, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the city or being indebted to the city, no surety for any officer or employee of the city and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for five years or over shall be qualified to be a member of the council:

Disqualifica-
tion not to
exist in
certain
cases

Provided further that no person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement in any newspaper or by reason of his being a shareholder in any incorporated company having dealings or contracts with the city or by his having a lease of twenty-one years or upwards of any property from the city; but no such leaseholder shall vote in the council on any question affecting any lease from the city and no such shareholder shall vote on any question affecting such company.

VACANCIES

Resignation

18. The mayor or any alderman may resign his seat in the council at any time upon written notice to the city clerk who shall bring the same to the notice of the council at its next meeting.

Declaration
of vacancy

19. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any insolvency Act in force in Saskatchewan or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three months without being authorised so to do by a resolution of the council entered upon its minutes his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

Election to
fill vacancy
in council

20. If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be made in the mode as nearly as may be as other elections under this Act and if the seat in the council of an alderman whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year then such vacancy may be filled by the election of an extra alderman at the next general election and the person obtaining the next highest number of votes after the regular number of aldermen have been elected shall be the person to fill such

vacancy and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled; and in case not more candidates are nominated than the number required to be elected the candidate last nominated shall be deemed to be elected to fill such vacancy.

21. In the event of a member of the council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as provided by law. Compulsory resignation

MEETINGS OF COUNCIL.

22. The first meeting of the council in each year shall be held on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets. First meeting

23. A majority of the whole council shall be necessary to form a quorum. Quorum

24. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting. Conduct of meetings

MAYOR.

25. The mayor shall be the chief executive officer of the city and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city. Duties

(2) The mayor shall *ex officio* be a justice of the peace.

26. The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the city for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment Appointment of special constables

be not confirmed at the next regular meeting of the council; such special constable shall for the time being form a part of the police force of the city.

**Power of
suspension**

27. The mayor may suspend any municipal officer (other than a commissioner of the city) and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the council by a resolution otherwise determine.

**To preside,
etc.**

28. The mayor shall preside at all meetings of the council, he shall preserve order and enforce the rules of the council and he shall sign (jointly with the treasurer) all the cheques issued by the city.

**Deputy
mayor**

29. The council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant shall have all the powers of the mayor during such inability or vacancy.

Chairman

30. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

Vote

31. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived.

**Special
meetings**

32. The mayor shall call special meetings of the council whenever requested in writing so to do by a majority of the council and all the members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat.

**Public
meetings**

33. If so requested at any time by the written petition of thirty electors the mayor shall by a printed public notice conspicuously posted in at least ten places in the city call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto.

COMMISSIONERS.

34. The council may appoint one or more commissioners ^{Appointment of commis-} to be called "The Commissioners of the City of " who ^{sioners} shall hold office during the pleasure of the council but shall not be dismissed except upon the majority vote of all the members thereof. The mayor shall be *ex officio* a commissioner in addition to those appointed by the council.

35. Subject to the legislative jurisdiction of the council ^{Powers} there shall be vested in the said commissioners if appointed all such powers and duties as shall be specified from time to time by bylaw or resolution of the council; and the council may by bylaw or resolution alter such powers and duties.

36. The council shall fix the annual salary to be paid to ^{Salary of} each of the commissioners and in case of dismissal as provided ^{commission-} by section 34 hereof the commissioner shall receive three ^{ers} months' notice or in lieu thereof one-fourth of his annual salary.

37. In case any commissioner is incapable through illness ^{Incapacity} or other cause of performing the duties of his office the council may appoint a substitute who during such illness, absence or other incapacity shall have and exercise all the powers of the said commissioner.

38. The commissioners of the city shall annually submit to ^{Estimates} the council at its first meeting after the annual election recommendations and estimates for expenditures which in their opinion should be made by the city during the current year; and the council shall deal with the same and shall provide the necessary funds for such expenditures as it may determine to make.

OFFICIALS.

39. The council shall appoint a city clerk, a treasurer, an ^{Council to} assessor, a city solicitor and one or more auditors and they ^{appoint} may also appoint such other officers as they deem necessary ^{certain} or expedient to appoint for the purpose of carrying into effect ^{officials} the provisions of this Act or any bylaw of the city including a chief of police and all necessary police constables or officers.

(2) The same person may be appointed to more than one office.

40. The council shall not make any appointment to office ^{Appointment} or any arrangement for the discharge of the duties of any ^{not to be by} municipal office by tender or to applicants at the lowest ^{tender} remuneration.

Tenure of office

41. All officers appointed by the council shall hold office during the pleasure of the council or according to the terms expressed in the bylaw by which they are appointed; and in addition to the duties assigned to them by this Act or by the general law of Saskatchewan shall perform such other duties as may be required of them by the bylaws of the council.

Security

42. In addition to defining the duties of any officer the council may by bylaw require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council.

Character of

43. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city.

Liability

44. Every officer, servant and agent of the city shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

Gratuities

45. A council may grant any officer who has been in the service of the city including its previous existence as a town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

CITY CLERK'S AND TREASURER'S OFFICES AND DUTIES.**City clerk to attend meetings, etc.**

46. The city clerk shall attend all meetings of the council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the council; and if required by any member present shall record the name and vote of every member voting on any matter submitted; he shall safely keep all the books, documents and records of the council and the originals or duly certified copies of all the bylaws thereof.

Absence

47. In case the city clerk is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapacity and during such period the person so appointed shall have all the powers of the city clerk.

48. Any elector may at all reasonable times inspect any account or demand, contract, bylaw, report of the commissioners or of any committee or of any official of the city (other than the city solicitor or any counsel engaged by the city) after the same respectively have been submitted to the council and also the voters' lists, poll books or other documents relating to any election or voting; and the city clerk shall within a reasonable time after demand by any elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words. Records open to inspection

49. A copy of any such book, record, document or account certified under the hand of the city clerk and the city seal shall be received in evidence without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders. Copies of records

50. The treasurer shall receive and safely keep all moneys belonging or accruing due to the city from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the bylaws of the council. Moneys

51. The treasurer shall daily or as often as the council may direct deposit in the name of the city in some chartered bank designated by resolution of the council all moneys received by him in excess of \$100; and he shall jointly with the mayor sign all necessary cheques. Deposits and cheques

52. The city clerk and the treasurer shall keep and make use of such books of record and account as the municipal commissioner shall from time to time require them to keep and use. Books to be kept by city clerk and treasurer

53. The treasurer shall also prepare and submit to the council half yearly a correct statement of the moneys at the credit of the city. Half yearly statement

54. The treasurer shall collect a fee of ten cents per lot for every search made in the assessment or tax rolls, *shall form part of the general revenue of the city* Fee *and for answer p/177*

CITY SOLICITOR.

55. The city solicitor shall be a member of the Law Society of Saskatchewan and the council may determine his duties and the terms and period of his employment. Appointment

56. In case the remuneration of the city solicitor is to be paid wholly or partly by salary the city shall notwithstanding be entitled to tax and collect lawful costs in all actions and Remuneration

proceedings to which the city is a party provided such costs are by the terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary.

AUDIT

**Appointment
of auditors**

57. The council shall at its first meeting in each year or within two months thereafter appoint one or more auditors but no one who then or during the preceding year is or was a member of the council or is or was city clerk or treasurer or who has or had during the preceding year directly or indirectly, alone or with any other person a share or interest in any contract or employment with or on behalf of the city (except as auditor) shall be so appointed.

Provided that an incorporated company or a partnership may be appointed as auditor.

Audit

58. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same.

(2) The auditor shall on every such occasion write a special report respecting all expenditures made contrary to law, bylaw or resolution and shall deliver the said report to the mayor who shall lay the same before the council at its next meeting.

**Audit before
payment**

59. The council may by bylaw provide that the auditor or auditors shall audit all accounts before they are paid.

**Auditors'
reports**

60. On or before the fifteenth day of November in each year the auditor or auditors shall prepare in such form as the municipal commissioner may direct and on or before the first day of December the treasurer shall cause to be printed in such quantity as the municipal commissioner shall direct an abstract of the receipts, expenditures, assets and liabilities of the city up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining on hand.

Abstract

61. On or before the first day of March in each year the auditor or auditors shall prepare in such form as the municipal commissioner may direct an abstract of the receipts, expenditures, assets and liabilities of the city up to the thirty-first of December of the preceding year

including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; and shall make a special report respecting any expenditures made contrary to law; and shall deliver the said abstract and report to the mayor who shall lay the same before the council at its next meeting the council shall on or before the first day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the city.

62. Any elector may inspect the said abstracts and reports ^{Inspections} or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

(62a) (1909 p 17)

OATHS OF OFFICE.

63. Every member of the council, every commissioner ^{Commissioners, etc.} appointed by the council, the city clerk, the treasurer, every assessor, the city solicitor, city engineer and every other civic officer who may by the terms of his appointment be required so to do shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), or (*in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office of (*as the case may be*) to which I have been elected (*or appointed*) in this city and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office (*or offices*), and that I have not by myself or partner either directly or indirectly any interest in any contract with or on behalf of the said city save and except that arising out of my office as, (*naming the office*). So help me God.

64. Any person who has been elected or appointed to two ^{Holders of more than one office} or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

65. Every returning officer, deputy returning officer, ^{Returning officers, etc.} assistant deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office of (*inserting the name of the office*) to which I have been appointed in this city and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.

Before
whom to be
taken

66. When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk or before any justice of the peace; and the returning officer or any justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

Auditor

67. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, A.B., having been appointed to the office of auditor for the city of _____ do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of the city during the preceding year and that I have not any such contract or employment except that of auditor for the present year. So help me God.

Before
whom to be
taken

68. The mayor and aldermen and the other civic officers except the city clerk who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or before the city clerk; the declaration of the city clerk shall be made and subscribed before a justice of the peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

Power to
administer

69. The mayor, any justice of the peace or commissioner for oaths may administer any oath, affirmation or declaration relating to the business of the city except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

Deposit of
form of
oath

70. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the city clerk who shall preserve it among the city records.

71. The mayor or in his absence the presiding officer of ^{Absence of mayor} the council or of any committee thereof may administer an oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or any committee thereof.

POLICE.

72. The police force shall consist of a chief of police and ^{Constitution of police force} as many constables and other officers and assistants as may be by the council be deemed necessary from time to time.

73. The members of the police force shall be appointed ^{Members of force to be appointed by the council} by the council and shall hold office during pleasure and shall before entering upon their duties as members of such force take and subscribe the following oath:

I, A.B., do swear that I will well and truly serve his ^{Form of oath} Majesty the King in the office of (chief of police or police constable as the case may be) for the city of with no favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved and will prevent all offences against the person and properties of all persons and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.

74. The council shall from time to time make such regula- ^{Council to make regulation} tions as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

75. The constables shall obey all lawful directions of and be ^{Duties of police constable} subject to the orders of the chief of police and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

76. The persons who upon the coming into force of this ^{Existing appointments confirmed} Act are acting either as chief of police or police constable in any city in the province are hereby declared to have been lawfully appointed to such office and such persons are hereby further declared to be as subject to the government of the council of the city in which they are so acting as if they had been appointed to such office under the provisions of this Act.

77. Any member of the force may be dismissed or ^{Dismissal or suspension from force} suspended by the council; but before any member of the force is dismissed or suspended he shall have a right to be heard either in person or by attorney before the council.

Council to
fix
remunera-
tion

78. The council shall from time to time fix the wages or salaries to be paid to the chief and constables or men employed.

POLICE COMMISSIONERS.

Board of
police
commis-
sioners

79. The council may from amongst its members or otherwise appoint a board of commissioners of police for the city consisting of not more than five members who shall hold office for one year or until their successors are appointed; and if the council appoint such a board then such board upon appointment shall have the sole charge and control of the police force and police department of the city and subject to the provisions of the next following section as to expenditure may exercise all the powers and authority in respect of the same that the council might have exercised had such a commission not been appointed.

Meetings of
board,
remunera-
tion, etc.

80. The board shall hold at least twelve meetings during the year and each commissioner for his attendance shall receive remuneration not exceeding five dollars for each meeting attended by him:

Provided however that the aggregate remuneration for any one commissioner for a year shall not exceed sixty dollars; and

Provided further that the gross expenditure in respect of the board and police force and department of the city shall not exceed the amount fixed in the estimates of the council for that purpose unless otherwise first specially authorised by resolution of the council.

Quorum of
board

81. A majority of the board shall constitute a quorum and the acts of the majority shall be considered the acts of the board.

(2) The board shall appoint one of its members to be the chairman of the board.

Bylaw of
board

82. The board may pass bylaws in respect of all matters within the powers of the board and all bylaws shall be sufficiently authenticated by the signature of the chairman of the board; and a copy of any such bylaw either written or printed and purporting to be certified to be a true copy by any member of the board shall be received in evidence without proof of the signature of or of the official character of the member who signed the same.

Power to
provide
penalties

83. In all cases where the board has authority to make bylaws they shall have power in and by such bylaws to attach penalties for the infraction thereof and all such penalties may be proceeded for by way of summary conviction before the police magistrate of the city or before any justice of the peace residing in or near to the city.

84. In connection with any investigation instituted by the board respecting the conduct of any member of the police force or in connection with any charge of misconduct or wrong doing made against any such member the board shall have power and authority to compel the attendance of witnesses before it and to compel them to testify under oath or affirmation as to such matters then under investigation and shall have all the powers and authority to compel the attendance of witnesses, to preserve order and punish for contempt as may be exercised by a police magistrate or justice of the peace in respect of criminal or *quasi* criminal matters pending before him.

Powers on investigation of misconduct, etc.

85. Any member of the board may be removed from office by special resolution of the council.

Council may remove member of board

PART III.

Municipal Elections.

VOTERS LIST.

86. The persons qualified to vote at elections shall be the men, unmarried women and widows of the full age of 21 years whose names appear upon the last revised voters' list of the city.

Qualifications of voters

(2) The persons qualified to vote at the first election of mayor and aldermen in any new city shall be the men, unmarried women and widows of the full age of twenty-one years whose names are on the last revised assessment roll of the town, village, rural municipality or local improvement district respectively forming part of the city.

First election

87. The assessor shall on or before the first day of September in each year prepare a voters' list in alphabetical form; he shall place thereon the names of all men, unmarried women and widows of the full age of twenty-one years who are assessed upon the last revised assessment roll for \$200 or upwards and also the names of the husbands if of the full age of 21 years of married women who are assessed upon the last revised assessment roll for \$200 and upwards and who authorise in writing their husband's name to be placed upon the list and the names of all persons whose names appear on the householders' tax list hereinafter provided for; and the assessor shall cause such voters' list to be printed with the next following three sections hereof prefixed thereto; a copy thereof shall be posted up in the office of the city clerk on or before the fifteenth day of September.

Preparation of list

Additions to
list

88. Any person who has been resident in the city in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified but whose name does not appear on the voters' list or whose name or whose wife's name is put down in error or whose name or whose wife's name has been omitted from the last revised assessment roll may either by himself or his agent apply to have the voters' list amended upon giving the assessor a notice in the following form:

To the assessor of the city of

Take notice that I intend to apply to the council to have my name added to the voters' lists (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

(Signature of applicant)

Applicant.

or

(Name of applicant)

Applicant by his agent.

Removals
from and
substitu-
tions on
list

89. If any person who was qualified as a voter on income or as an occupant of land has left the city or if before the first day of October in the then current year a person or in case of a married man his wife has disposed of or ceased to occupy the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter; and any elector may apply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person, if any, substituted therefor; the person so applying shall give six clear day's notice in writing to the assessor of his intention to apply to the council for that purpose as provided in the preceding section.

Notice

90. Notices served upon the assessor under the two preceding sections shall be served on or before the first day of November.

List of
applicants

91. On or before the fifth day of November the assessor shall make a list of all applicants for amendments to the voters' list stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

Court of
revision

92. On or before the fifteenth day of November in each year the council shall meet as a final court of revision of the voters' list and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon amend the voters'

list in all cases provided for by sections 87 to 89 inclusive hereof as may be right; and the list so amended shall be the voters' list of the city for the ensuing year or until a new voters' list has been finally revised; and forthwith thereafter if the elections are to be from wards the assessor shall prepare a list of the electors entitled to vote in each ward designating thereon those not entitled to vote for mayor in each ward.

93. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting as a final court of revision of the voters' list as aforesaid shall have the powers and privileges conferred by this Act upon the council in relation to the assessment roll.

GENERAL PROVISIONS.

94. The council shall at least one week prior to the last ^{Returning officer, etc.} Monday in November in each year by bylaw appoint a returning officer for the next municipal elections and also if the elections are to be from wards a deputy returning officer for each ward; and in the event of any of the deputy returning officers so appointed being unable to act from any cause whatever the returning officer shall have full power to appoint another in his stead; and the council shall if it is deemed expedient divide the city or any ward or wards into polling subdivisions in which case the council shall appoint an assistant deputy returning officer for each polling subdivision and name the place or places therein where the votes are to be polled.

95. The city clerk shall at least one week prior to the last ^{Annual meeting of electors} Monday in November in each year cause to be posted up in ten conspicuous places in the city a notice of the annual meeting of the electors in the following form:

NOTICE.

City of

Public notice is hereby given that a meeting of the electors of the city of _____ will be held (*description of place*) on Monday, the (*here fill in the date on which the last Monday in November falls*) day of November, 19____, at eight o'clock p.m. for the purpose of receiving the auditor's interim statement of the finances of the city for that portion of the year ending on the thirty-first day of October and for the purpose of receiving the reports of the chairmen of the various committees of the council (and of the city commissioners if any).

Dated the _____ day of _____ 19 ____.

City Clerk.

**Mayor, etc.,
to attend
and submit
reports**

96. At the time and place set out in the notice mentioned in the preceding section the mayor, treasurer, auditor, the chairmen of the various committees and the city commissioners if any have been appointed shall attend and submit to the meeting their respective reports for that portion of the current year ending the thirty-first day of October.

(2) The municipal commissioner may from time to time prescribe forms for the foregoing reports.

Notice of nomination

97. The returning officer shall at least six days previous to the first Monday in December post up in ten conspicuous places in the city a notice in the following form:

NOTICE.

City of Municipal Elections 19 .

Public notice is hereby given that a meeting of the electors of the city of _____ will be held (*description of place*) on Monday, the (*here fill in the date on which the first Monday in December falls*) day of December, 19____ from eleven o'clock in the forenoon until noon for the purpose of nominating candidates for the offices of mayor of the city and an alderman (*or aldermen*) for each ward (*or as the case may be*) for the next ensuing year.

Given under my hand at _____ this
day of _____ 19__.

G. H.
Returning Officer.

Nominations

98. At the time and place named in the notice provided for in the next preceding section the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nominations of any duly qualified person to serve as mayor or alderman of the city and the meeting shall remain open until noon when if the number of persons nominated to serve as mayor and aldermen does not exceed the requisite number the returning officer shall declare the persons so nominated duly elected.

Consent to nomination

99. Every nomination for mayor or alderman shall be accompanied by a written consent from the person named in each nomination to accept the office if elected and a written statement that he is eligible to be elected for such office.

Poll declared

100. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next following week), the place or places where the votes are

NOTICE.

City of . Municipal Elections 19 .
 Whereas, Mr. . nominated for the office of
 alderman for Ward No. . (or as the case may be) has with-
 drawn his candidature for the said office leaving Mr.
 the only candidate therefor, I hereby give notice that no
 voting for the said office will take place on the . day of
 (date of polling), 19 .
 Dated at this day of 19 .

G. H.

Returning Officer.

Vote by
ballot

104. In case of a poll at a municipal election the vote shall
 be given by ballot

Ballot boxes

105. Where a poll is required the city clerk shall provide
 as many ballot boxes as there are polling subdivisions.

Their
construction

106. The ballot boxes shall be made of some durable
 material, shall be provided with a lock and key and shall be
 so constructed that the ballot papers can be introduced therein
 and cannot be withdrawn therefrom unless the box is
 unlocked.

Their
distribution

107. When it becomes necessary for the purposes of an
 election to use the ballot boxes it shall be the duty of the
 city clerk to deliver the same to the returning officer who
 shall at least two days before the polling day deliver one of
 the ballot boxes to every deputy returning officer or assistant
 deputy returning officer appointed for the purposes of the
 election.

Printed
ballots

108. Where a poll is required the returning officer shall
 forthwith cause to be printed at the expense of the city such
 a number of ballot papers as will be sufficient for the purposes
 of the election.

(2) Every ballot paper shall contain the names of the duly
 nominated candidates arranged alphabetically in the order of
 their surnames or if there are two or more candidates with
 the same surname in the order of their names.

Their
contents

109. The names of the candidates for mayor shall not be
 included in the same ballot with the names of the candidates
 for aldermen; but one kind or set of ballot papers shall be
 prepared for all the wards containing the names of the
 candidates for mayor; and another kind or set shall be
 prepared for each ward containing the names of candidates
 for aldermen in the ward:

Provided that until a ward system is established the names
 of the mayor and aldermen may be included in the same
 ballot.

110. The ballot papers shall be in the following forms: Form of ballot

FORM FOR MAYOR.

MAYOR.	Election of Mayor for the City of for 19....	ALLAN. CHARLES ALLAN, of the City of Merchant.
		BROWN. WILLIAM BROWN, of the City of Banker.

FORM FOR ALDERMEN.

ALDERMEN.	Election of Aldermen for the City of for 19....	ARGO. JAMES ARGO, of the City of Gentleman.
		BAKER. SAMUEL BAKER, of the City of Baker.
		DUNCAN. ROBERT DUNCAN, of the City of Printer.

111. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward for which such deputy returning officer has been appointed to act and such other materials as are necessary in order to enable the electors to mark their ballot papers; and such ballot papers and other materials shall be delivered by the deputy returning officer of the ward to his assistant deputy returning officers if any have been appointed. Supplies to deputy returning officers

112. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting as he may deem sufficient. Directions for voters

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer (*or assistant deputy returning officer as the case may be*) signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer (*or assistant deputy returning officer as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer (*or assistant deputy returning officer as the case may be*) who will if satisfied of such inadvertence give him another ballot paper.

If the voter does not vote for the full number of candidates for any office that he is entitled to vote for, his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for said office.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following forms of ballot paper given for illustration the candidates for mayor are Jacob Thompson and Robert Walker, for aldermen John Bull and Morgan Jones and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for alderman.

FORM FOR MAYOR.

MAYOR	Election of Mayor for the City of for 19.....	THOMPSON. JACOB THOMPSON, of the City of Merchant. X
		WALKER. ROBERT WALKER, of the City of Physician.

FORM FOR ALDERMAN.

ALDERMEN	Election of Aldermen for the City of for 19.....	BULL. JOHN BULL, of the City of Butcher. X
		JONES. MORGAN JONES, of the City of Grocer.

113. Every deputy returning officer or assistant deputy ^{Posting up} returning officer shall before the opening of the poll or ^{of} directions immediately after he has received the printed directions from the returning officer (if he did not receive the same before the opening of the poll) cause the said printed directions to be placarded outside the polling place for which he is appointed to act and also in every voting compartment of the polling place and shall see that they remain so placarded until the close of the polling.

114. Every polling place shall be furnished with a ^{Voting} compartment or compartments in which the voters can mark ^{compart-} ^{ments} their ballots screened from observation and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is provided at each polling place.

115. The returning officer shall before the poll is opened ^{Copy} deliver to every deputy returning officer and assistant deputy ^{voters' list} returning officer a copy certified by the city clerk to be a correct copy of the voters' list for the ward or polling sub-division for which such deputy returning officer or assistant

deputy returning officer is to act and a blank poll book in which to record the names and qualifications of the electors who vote.

Poll book

116. The poll book shall be in the following form:

REMARKS		
Refusal to swear		
Sworn		
Objected to		
VOTED FOR	School trustee	
	Alderman	
	Mayor	
Occupation		
Residence		
Qualification		
NAME		

Certificate to persons attending other than their own poll

117. The returning officer on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend at any polling place other than the one where he is entitled to vote shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Rights on production of certificate

118. On the production of the certificate the deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling

place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote; and the deputy returning officer or assistant deputy returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer or assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling nor to vote for alderman or aldermen except in the ward where he would otherwise be entitled to vote.

119. In case a deputy returning officer or assistant ^{Oath to} deputy returning officer votes at the polling place to which ^{certificated} he has been appointed as such the poll clerk appointed to act ^{persons} at the polling place or in the absence of the poll clerk any elector authorised to be present may administer to the deputy returning officer or assistant deputy returning officer any of the oaths required by law to be taken by voters.

ELECTIONS, PROCEDURE.

120. In the following sections 121 to 176 both inclusive ^{Interpreta-} the deputy returning officer or assistant deputy returning ^{tion} officer acting as such at any polling place at the municipal election is referred to as "the officer presiding at the poll."

121. The officer presiding or appointed to preside at any ^{Poll clerks} poll at an election may by writing under his hand appoint a poll clerk who in the absence of the deputy returning officer or assistant deputy returning officer or in case of his illness or inability to fulfil the duties required of him by this Act shall have the powers of the officer by whom he was appointed.

(2) The deputy returning officer or assistant deputy ^{Constables} returning officer may also appoint a constable to maintain order at the polling place or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

122. Every returning officer, deputy returning officer, ^{Oath} assistant deputy returning officer, poll clerk, constable, candidate or agent authorised to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the city clerk or (in the case of a poll clerk or constable or

agent) before the deputy returning officer or assistant deputy returning officer at whose polling place he is appointed to act an oath in form following:

I, A.B., do swear that I will not at the election to be held in the city of _____ on the _____ day of _____ 19____ attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

Duration
of poll

123. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day.

Agents

124. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognised as such by the said officer.

One vote
for mayor

125. Every elector may vote once only for a mayor.

Vote in each
ward for
alderman

126. Every elector may vote for alderman or aldermen once or if the elections are to be from wards once in each ward if his name or a name intended for his appears upon the voters' list for the ward but not otherwise; and where an elector is entitled to vote for aldermen in more than one ward the assessor shall having regard to the elector's request, if any, determine one ward in which only he may vote for mayor.

Penalty

127. Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50.

Evidence of
voting

128. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

Exhibition
of ballot box

129. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

Procedure
in voting

130. Where a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows:

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list for the ward or polling subdivision for which the said officer is appointed to act;

2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and occupation of such person;

3. When the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate;

4. If any candidate or his agent demands that the voter be sworn the returning officer shall administer to him the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named by the name of*) in the voters' list now shown to you (*showing the list to the voter*);

That you have not voted before at this election, either at this or any other polling place in this ward, and (*if the elector is tendering his vote for mayor*) that you have not voted before or elsewhere for mayor at this election;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other services connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

5. If the voter takes the said oath the officer presiding at the poll shall receive the vote and shall enter or cause to be entered opposite such person's name in the proper column of the said poll book the word "sworn" or "affirmed," according to the fact;

6. Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (*or cause to be entered*) opposite the name of such voter in the proper column of the poll book the words "refused to swear" or "refused to affirm" according to the fact and the vote of such person shall not be taken or received and if the deputy returning officer or assistant

deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100;

7. When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper;

8. Except in the case mentioned in clause 6 the ballot papers shall then be delivered to the voter.

Explanation
to voter

131. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

Breach of
duty by
presiding
officers

132. Every deputy returning officer or assistant deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by clause 7 of section 130 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said deputy returning officer or assistant deputy returning officer has not signed his initials as aforesaid.

Initialing
poll book

133. The officer presiding at the poll shall place in the columns of the poll book headed "mayor," "alderman" and "school trustees," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor, alderman or school trustees, as the case may be.

Marking
of ballot

134. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 112 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate; he shall then fold the ballot paper across so as to conceal the names of the candidate and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without delay and without showing the front to anyone or so displaying the ballot paper as to make known to any person

the names of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so folded to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

135. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper. ^{Secrecy of vote}

136. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for "remarks," to the same effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same. ^{Ballot received but not used}

137. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read or where the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 134 hereof the proceedings shall be as follows: ^{Inability, etc., to mark ballot}

1. The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;

2. The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked;

3. The declaration aforesaid may be in the following form:

I, *A.B.*, of _____, being named on the voters' lists for polling subdivision No. _____ in Ward No. _____ of the city of _____ being a duly qualified elector of the said city of _____, do hereby declare that I am unable to read (*or that I am from physical incapacity unable to mark a ballot paper, or, that I object on religious grounds to mark a ballot paper (as the case may be).*

A. B. his (X) mark.

Dated this _____ day of _____ 19 _____ ;

4. In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form :

I, *C.D.*, the undersigned, being the deputy returning officer (*or assistant deputy returning officer*) for Ward No. _____ (*or polling subdivision No. _____ in Ward No. _____*) of the city of _____, do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above named *A.B.*, was signed by him in my presence with his mark (*or in the case of one who objects on religious grounds to mark a ballot paper was orally made before me*).

Signed, *C.D.*,
Deputy Returning Officer.
or Assistant Deputy Returning Officer.

Dated this _____ day of _____ 19 _____ .

Ballot
spoiled
before
voting

138. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 151.

Persons
entitled to
be in
polling place

139. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorised to attend at the polling place and the voter who is for the time being actually engaged in voting.

Procedure
on close of
poll

140. In every polling place the officer presiding at the poll shall immediately after the closing of the poll in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot

box and proceed to count the votes as follows: he shall examine the ballot papers and any ballot paper which has not on its back his initials or on which more votes are given than the elector is entitled to give or on which there are not the full number of votes the elector is entitled to give or on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted.

141. The officer presiding at the poll shall take a note of ^{Objections to be noted} any objection made by a candidate or his agent or any elector authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

142. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot ^{Ballot to be numbered and initialled} paper and initialled by the officer presiding at the poll.

143. The officer presiding at the poll shall indorse ^{Ballot to be indorsed} "rejected" on any ballot paper which he rejects as invalid and shall indorse "rejection objected to" if any objection is made to his decision.

144. The officer presiding at the poll shall then count up ^{Count} the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) Name or number of ward or polling subdivision and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

145. Upon the completion of the written statement it shall ^{Signed statement} be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement.

146. Not more than two agents of any candidate shall be ^{Agents at count} entitled to be present at the same time in any polling place during the voting or the counting of the votes.

147. Every officer presiding at a poll shall upon being requested so to do deliver to each of the persons authorised to ^{Certificate of count} attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

Certificate
on poll
book and
sealing up
of packages

148. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside and shall at the completion of the counting of votes in the presence of the candidates or agents of the candidates make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll and of the ward or polling subdivision:

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 137 hereof with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box.

Deputy's
oath on
return

149. Before returning the voters' list and poll book to the returning officer the officer presiding at the poll shall make and subscribe before a justice of the peace or before the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

I, C.D., the undersigned deputy returning officer (or assistant deputy returning officer) for Ward No. (or for polling subdivision No. of Ward No.) of the city of , do solemnly swear (or if he is a person permitted by law to affirm do solemnly affirm) that to the best of my knowledge the annexed voters' list and poll book used in and for the said ward (or polling subdivision) at this election held on the day of December, 19 , were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

Signed C.D.,

Deputy Returning Officer,
or Assistant Deputy Returning Officer.

Sworn (or affirmed) before me at this day of
19 .

Signed K. Y.

Justice of the Peace (or as the case may be);
and shall thereafter be annexed to the voters' list and such
voters' list, poll book and declaration may be inspected at any
time in the presence of the city clerk by any elector.

150. The deputy returning officer or assistant deputy ^{Delivery to} returning officer shall forthwith deliver such packets person- ^{returning} officer ally to the returning officer; and if owing to illness or other causes he is unable to do so he shall deliver such packets to a person chosen by him for the purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the returning officer.

151. The packets shall be accompanied by a statement ^{Ballot} made by the deputy returning officer or assistant deputy ^{paper} returning officer showing the number of ballot papers ^{account} entrusted to him and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) spoiled, (5) ballot papers given to voters who afterwards returned the same declining to vote, and (6) ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account."

152. The returning officer after he has received the ballot ^{Summary by} papers and statements before mentioned of the number of ^{returning} votes given in each polling place shall without opening any of ^{officer of} the sealed packets of ballot papers cast up from the statements ^{result} the number of votes for each candidate; and shall at the city hall or at some other public place at noon on the day following the return of such ballot papers and statements publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

153. In case it appears upon the casting up of the votes ^{Returning} as aforesaid that two or more candidates for any office have ^{officer's} an equal number of votes the returning officer whether other- ^{casting} wise qualified or not shall at the time when he declares the ^{vote} result of the poll give a casting vote so as to decide the election.

154. Except in such case no returning officer shall vote at ^{And no} any election. ^{other}

Other
officials not
disqualified

155. All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall if otherwise qualified be entitled to vote.

Assumption
of office

156. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

Return by
returning
officer to
city clerk

157. Forthwith after the election the returning officer shall deliver to the city clerk the ballot boxes, packets and returns aforesaid; and the city clerk shall thereafter be responsible for their safe keeping and for their delivery when required.

Destruction
of ballots

158. The city clerk shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the city clerk among the records of the city.

Inspection

159. No person shall be allowed to inspect any ballot papers in the custody of the city clerk except under order of a judge to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the city clerk.

Order for

160. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient.

Recount

161. In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the city clerk it is on the affidavit of a credible person made to appear to a judge that a deputy returning officer or assistant deputy returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same.

Deposit

162. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of

\$25 as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge.

163. The judge, the city clerk with the ballot boxes and ^{Attendance} each candidate and his agent notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of the votes.

164. At the time and place appointed the judge shall proceed ^{Procedure opening of packets} to recount all the ballot papers received by the city clerk from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing:

- (a) The used ballot papers which have not been objected to and have been counted;
- (b) The ballot papers which have been objected to but which have been counted by the deputy returning officer or assistant deputy returning officer;
- (c) The rejected ballot papers;
- (d) The spoiled ballot papers;
- (e) The unused ballot papers;

in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

165. The judge shall as far as practicable proceed ^{Time} continuously with the recount of the votes allowing only time for refreshment, excluding only Sundays and on other days except so far as he and the parties aforesaid agree the hours between six o'clock in the evening and nine o'clock on the succeeding morning; during the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

166. The judge shall proceed to recount the votes as ^{Mode of counting} follows:

1. He shall examine the ballot papers;
2. Any ballot paper on which votes are given for more candidates than are to be elected for the office in question or on which there are not the full number of votes the elector is entitled to give or on which anything except the initials of the deputy returning officer or assistant deputy returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can

thereby be identified shall be void and shall not be counted; a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for or on which there are not the full number of votes the elector is entitled to give shall be void as regards all the candidates for that office but shall be good as regards the votes for any other office in respect to which the voter has not voted for more candidates than he is entitled to vote for or has not voted for less candidates than he is entitled to vote for; but no word or mark written or made or omitted to be written or made by the deputy returning officer or assistant deputy returning officer on a ballot paper shall affect the vote;

3. The judge shall take a note of any objection made by a candidate or by his agent to any ballot paper and shall decide any questions arising out of the objection; and the decision of the judge shall be final;

4. The judge shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) Names of the candidates;
- (b) Number of votes for each candidate;
- (c) Ballot papers wanting initials of deputy returning officer or assistant deputy returning officer;
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty;

5. Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the city clerk shall have the casting vote;

6. Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions herein contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

167. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent. Costs

(2) The costs shall be on the district court scale, and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the nonpayment thereof.

168. No person shall:

Penalties

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
- (e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable on summary conviction before a justice of the peace

if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labour.

Penalties

169. Every returning officer, deputy returning officer, assistant deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 121 to 176 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

Penalties

170. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

Secrecy of vote

171. No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted.

Candidate acting on his own behalf

172. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present

at any place at which his agent is by this Act authorised to attend; but no candidate shall be present at the marking of a ballot for a voter under section 137 hereof.

173. When in the sections of this Act relating to elections of mayor or aldermen expressions are used requiring or authorising any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expressions shall be deemed to refer to the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the nonattendance of any agent at such time and place shall not invalidate it. Candidates and agents

174. No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election. Errors not affecting result

175. All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct. Expenses

176. The city clerk shall prior to every election or the voting upon any bylaw furnish every deputy returning officer and assistant deputy returning officer with at least two copies of sections 3 and 4 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

SCHOOL TRUSTEES.

177. The boards of trustees of high school, public school and separate school districts of a city shall give notice to the city clerk on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the school boards complete. Notice from school boards

178. When notice has been given to the city clerk as provided in the next preceding section the nomination and election of school trustees shall be held at the same time and Nomination and election

place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

Same
procedure as
for
alderman

179. All the provisions in this Act contained respecting the election and qualification of aldermen and the qualifications of electors and the voting at elections shall *mutatis mutandis* apply to the election of school trustees.

Separate
school
supporters

180. In the lists of qualified voters to be delivered to the returning officer by the city clerk before the opening of the poll the city clerk shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "SSS."; and no deputy returning officer or assistant deputy returning officer shall deliver to any such person a ballot paper for the public school trustees.

Oath

181. In case any objection is made to the right of any person to vote at any election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to to take the oaths required by section 130 hereof.

Form of
ballot

182. A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of aldermen except that the words "high (or public or separate) school trustee" shall be substituted for the word "alderman" thereon.

PART IV.

Powers and Duties of the Council.

LEGISLATIVE JURISDICTION.

Local extent

183. The jurisdiction of the council shall be confined to the limits of the city and to any property outside the city belonging to or under the control and management of the city except where authority beyond the same is expressly given by this or any other Act.

Bylaws
generally

184. The council may make regulations and bylaws for the peace, order, good government and welfare of the city including regulations and bylaws respecting the erection and classification of buildings to be erected within the city or any part thereof and for the construction, maintenance and operation of ferries running within or within and without the city

and for the issue of licenses and payment of license fees in respect of any business, and for inspecting and regulating slaughter houses, dairies and all other places outside the limits of the city from or through which food is brought for sale within the city and making and enforcing building and sanitary regulations for the said slaughter houses:

Provided that no such bylaw shall be contrary to the general law of the province and shall be passed *bona fide* in the interests of the city.

(2) The council may repeal or amend any such bylaw except where the same has received the assent of the burgesses of the city and in such case only when the repeal of the bylaw is similarly assented to by the said burgesses:

Provided that no bylaw relating to the procedure of the council when in session shall be repealed, amended or suspended except as far as the terms thereof shall themselves permit unless:

1. By bylaw unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or

2. By a bylaw passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council and setting forth the terms or substantial effect of the proposed bylaw.

(3) When one-third of the ratepayers whose names appear on the last revised assessment roll petition the council for the submission of a bylaw on any question concerning matter within the legislative jurisdiction of the council the same shall be granted and a bylaw introduced by the council within four weeks after the presenting of the said petition shall be advertised in some newspaper published in the city in at least one number of such paper each week for two successive weeks and finally passed by the council within four weeks of the voting thereon.

(184a) 1909 p 177

185. Every bylaw for:

- (a) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land for the convenient carrying on of brick works, bridges, cemeteries, crematories, elevators, exhibitions, jails, gas or electric light or power works, hospitals, lockup houses, manufactories, markets, mills, parks, poor houses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, telephone systems, water powers or water works where it is not intended that the cost shall be borne out of the revenue for the then current year;

Restrictions
on legisla-
tion in
certain cases

cf. new sec 1908 p 179

- (b) Bonusing whether by the way of the payment of a lump sum or periodical payments or otherwise excepting from taxation beyond the current year, subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or corporation in respect of any industrial, commercial, charitable or engineering undertaking;
- (c) Granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise whether exclusive or not;
- (d) Contracting debts not payable within the current year;

shall in the case of bylaws provided for in clauses (b) and (c) hereof receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of sections 210 to 240 hereof and in other cases a majority of the burgesses so voting.

(2) No bylaw for any of the purposes mentioned in clauses (b) and (c) shall be passed if the city has a similar system, undertaking or business in operation as a municipal public work nor shall any special franchise be granted for a longer period than twenty years.

(3) A debt contracted pursuant to a bylaw and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures issued thereunder.

(4) Provided that notwithstanding anything contained in the foregoing subsections of this section or elsewhere in this Act no city shall have the power to bonus in any manner, exempt from taxation, subscribe for stock in or guarantee the payment of any bonds or debentures issued by any railway company other than an incorporated street railway company operating within or within and near the city.

Jurisdiction
in certain
cases
beyond
city limits

186. Where the council decides to undertake or assist any of the enterprises mentioned in the foregoing section it may do so notwithstanding that the same may be wholly or partly without the limits of the city.

Powers
incidental
to licenses

187. The power to license shall include power to fix the fees to be paid for licenses, to specify the qualifications of the persons to whom and the conditions upon which such licenses shall be granted, to regulate the manner in which any licensed business shall be carried on, to specify the fees or prices to be charged by the licenses, to impose penalties upon unlicensed persons or for breach of the conditions upon which any license

has been issued or of any regulations made in relation thereto and generally to provide for the protection of licensees; and such power shall within the city extend to persons who carry on business within and partly without the city limits.

188. The imposing or collecting of license fees shall in no case be held to prevent the assessment of any land held or used by the license holders or the collection of any taxes lawfully imposed thereon. Licenses not to exclude taxes

189. When the council has authority to direct that any matter or thing shall be done by any person the council may also direct that in default of its being done by such person it shall be done at the expense of the person in default and the city may recover the expense thereof with costs by action or Council may do omitted work

ERRATUM

Clause 190 should read as follows:

190. Subject to the other provisions of this Act the council shall have no power to give any person an exclusive right of exercising any business or special franchise within the city. Restriction of exclusive franchise

191. Every bylaw under this Act shall be under the seal of the city and shall be signed by the mayor or other person who presided at the meeting at which the bylaw was finally passed and countersigned by the city clerk; and every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the council except by the unanimous vote of the members present thereat. Passing and testing bylaw

192. A copy of any bylaw written or printed and under the seal of the city and certified to be a true copy by the mayor or city clerk shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or city clerk has been forged. Evidence of bylaw

193. In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof. Validation of bylaws

MONEY BYLAWS.

194. Bylaws for contracting debts not payable within the current year shall provide for the issuing of debentures and the levying of annual rates for the payments of such debts. Debentures

**Limitation
of amount**

195. The amount of the debenture debt of the city at any time outstanding shall not exceed twenty per cent. of the total amount of the assessment in respect of land, businesses, income and special franchises.

**Calculation
of amount
of debt**

196. The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding.

**Contents of
bylaw**

197. The bylaw creating a debt shall state by recital or otherwise:

- (a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) The period over which the indebtedness is to be spread and the amount of the instalment to be paid in each of such years or the period at the end of which the same is to be paid;
- (c) The rate of interest and whether the same is to be paid annually or semi-annually;
- (d) The amount of ratable property in the city according to the last revised assessment roll;
- (e) The amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrears.

**Time of
taking effect**

198. The bylaw shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the bylaw it shall take effect on the day of the final passing thereof.

**Optional
mode of
payment**

199. The bylaw may provide that the indebtedness shall as the council may deem expedient be payable:

1. In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or

2. In such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run together with interest on such debentures to be paid annually or semi-annually as the council may by the bylaw provide:

Provided however that if the indebtedness is to be made payable by debentures payable in the manner set forth in this clause there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per cent. per annum to retire the debentures at

maturity and any such sum shall be added each year to the amount of the other rates and taxes of the city and collected along therewith.

(2) If the above provisions or either of them are contained in any bylaw of any city to which this Act applies whether such bylaw has been passed prior to the coming into force of this Act or is contained in any bylaw hereafter to be passed then the debt to be incurred and the debentures to be issued in respect thereof may be made payable in whichever of the above modes the council may by bylaw determine.

200. The debentures to be issued under the bylaw shall be ^{Form of} ~~be~~ debentures in the form following or to the like effect:

FORM 1.

City of _____

§ _____ Debenture No. _____

Under the authority of *The City Act* and of bylaw No. _____ of the city of _____, passed on the _____ day of _____, 19 _____, the said city promises to pay the bearer at _____ the sum of _____ dollars with interest at the rate of _____ per cent. per annum, in consecutive annual instalments according to the terms of the several coupons hereto attached.

{ Corporate seal }
{ of the city. }

Treasurer.

Mayor.

Coupons

Coupon No. _____
 Debenture No. _____
 The city of _____ on the _____
 the sum of _____

will pay to the bearer at
day of 19
rs.

Mayor.

Treasurer.

FORM 2.

City of _____ Debenture No. _____
 § Under the authority of *The City Act* and of bylaw No. _____
 of the city of _____, passed on the _____ day of _____
 19____, the said city hereby promises to pay to the _____

bearer at the sum of dollars on the day of 19 (*if interest is payable in the meantime add*) and to pay the bearer the amount of each of the several interest coupons hereto attached as the same shall respectively become due.

.....
 { Corporate seal } Mayor.
 { of the city. }

Treasurer.

And the coupons may be in the following form:

Coupons.

Coupon No.

Debenture No.

The city of will pay to the bearer at day of 19
 on the
 the sum of dollars.

(Signed)
 Mayor.

Treasurer.

Local
 improve
 ment
 debentures

201. In case of debentures issued for local improvements the words "local improvement debenture" shall also be printed on the face of the debentures issued in respect of that part of the cost which is to be raised by special assessment.

Execution of
 debentures

202. Every debenture issued as aforesaid shall be sealed with the seal of the city and signed either by the mayor or by some person authorised by bylaw to sign the same in his stead and by the treasurer or by some person authorised by bylaw to sign in his stead.

(2 1809/129

Times and
 modes of
 issue

203. Debentures authorised by any such bylaw may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the bylaw; and any debenture may provided it be actually issued within the said period of four years bear any date within the said period.

Validation
 of debentures

204. Any debenture issued under this Act shall be valid and binding upon the city notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the city in respect thereof; provided that the bylaw not being a local improvement bylaw has in case the bylaw is one provided for in section 185 clauses (b) and (c) hereof received the assent of two-thirds and in any other case has received the assent of the majority of burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing.

ture or debentures issued or which may thereafter be issued under the authority of the bylaw and such countersigning by the municipal commissioner shall be conclusive evidence of the validity of such debenture or debentures and the legality of the issue of such debenture or debentures shall be thereby conclusively established and its or their validity shall not be open to question in any court; and every such debenture so countersigned shall be valid and binding upon the city and upon the property held for the rate imposed by or under authority of the bylaw; and the signature of the commissioner may be written or stamped on the debenture.

ASSENT OF BURGESSES TO BYLAWS.

Corporation

210. Where a bylaw requires the assent of burgesses before the final passing thereof any bank or other corporation assessed on the last revised assessment roll as the freeholder or lessee of real property which if held or leased by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

Publication of bylaw and notice

211. In case a bylaw requires the assent of the burgesses before the final passing thereof the following proceedings shall except in cases herein otherwise provided for be taken for obtaining such assent:

1. The council shall by bylaw appoint a returning officer and such number of deputy returning officers as may be expedient for the purpose of taking the votes of the burgesses upon the referred bylaw and such returning officer and deputy returning officers shall have and be subject to the like powers, authorities, duties and liabilities as returning officers and deputy returning officers in the case of an election under this Act;

2. The council shall by the bylaw fix the day and hour for taking the votes of the burgesses and the places in the city where polls shall be opened and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place; the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed bylaw;

3. The council shall before the final passing of the proposed bylaw published a copy thereof in some newspaper published in the city; and the publication for the purpose aforesaid shall be continued in at least one number of such paper each week for three successive weeks; the returning officer shall also post up a printed copy of the proposed bylaw at ten or more conspicuous places in the city;

4. To each copy so published and posted shall be appended a notice over the printed signature of the returning officer

stating that the above is a true copy of a proposed bylaw which has been introduced and which may be finally passed by the council in the event of the assent of the burgesses being obtained thereto within four weeks of the voting thereon and that upon the day and at the place or places fixed for taking the votes of the burgesses the voting thereon will be held between the hours of 9 a.m. and 5 p.m.

212. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a bylaw the returning officer shall cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the voting.

213. The ballot paper shall be in the following form: Form of
ballot

.....19..... Voting on bylaw to (<i>here insert object of the bylaw</i>), submitted to the burgesses of the city of this (<i>date</i>).	FOR THE BYLAW
	AGAINST THE BYLAW

214. The council shall by the bylaw fix a time when and a place where the returning officer shall sum up the number of votes given for and against the bylaw and a time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the returning officer on behalf of the persons respectively interested in promoting or opposing the passing of the bylaw respectively. Bylaw to
fix times
and places

215. At the time and place named the mayor if requested shall appoint by writing signed by him two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the bylaw and a like number on behalf of the persons interested in and opposing the passing of the bylaw. Appoint-
ment of
representa-
tives

216. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form: Oath of
appointee

I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the city of _____ and that I am interested in promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) to be submitted to the burgesses of the said city on the _____ day of _____ 19 .
(Signature) *A. B.*

Declared before me this _____ day of _____ 19 .

*C. D.,
Mayor.*

or

*E. F.,
Returning Officer.*

Production
of appoint-
ment

217. Every person so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the deputy returning officer presiding at the poll or the returning officer, as the case may be.

Substitute

218. In the absence of any person authorised as aforesaid to attend at a polling place for the final summing up of the votes any burgess in the same interest as the person so absent may upon making and subscribing before the deputy returning officer or the returning officer a declaration in the following form be admitted to the polling place to act for the person so absent:

I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the city of _____, and that I am interested in promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) to be submitted to the burgesses of the said city on the _____ day of _____ 19 .
(Signature) *A. B.*

Declared before me this _____ day of _____ 19 .

*C. D.,
Deputy Returning Officer.*

Present at
poll

219. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or burgesses authorised to attend as aforesaid at the polling place.

Certificate
to certain
persons

220. The returning officer on the request of any burgess entitled to vote at one of the polling places who has been appointed deputy returning officer, poll clerk or constable or who has been named as the person to attend at a polling place other than the one where he is entitled to vote shall give to such burgess a certificate that he is entitled to vote for or against the bylaw at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which such burgess is entitled so to vote.

(2) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such burgess to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or other person aforesaid during the whole of the day of polling.

(3) In the case of a deputy returning officer or constable voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection (1) of this section the poll clerk or in the absence of the poll clerk any one authorised to be present at the polling place may administer any of the oaths required to be taken by a burgess in order to establish his right to vote on the bylaw.

221. The returning officer before the poll is opened shall deliver to the deputy returning officer for every ward or polling subdivision a voters' list containing the names arranged alphabetically of all the burgesses entitled to vote on the bylaw in that ward or polling subdivision, a brief description of the property in respect of which each is entitled to vote and the number of votes to which they are respectively entitled and he shall attest the said list by writing under his hand. Voters' lists
Certificate

(2) Such list shall be prepared by the assessor from the last revised assessment roll of the city but the council may up to the eighth day before the day fixed for the voting on the bylaw strike out from the said list the name of any person who has ceased to have the necessary qualification or include therein the name of any person who has since the final revision of the said roll acquired such qualification.

222. The voters' list shall be in the following form :

Form

Names of the burgesses	Column for mark indicating that the burgess has voted	Description of property in respect of which the burgess is entitled to vote	No. of votes to which the voter is entitled	Objections	Sworn or affirmed	Refused to swear or affirm	Remarks

**Vote by
ballot**

223. At the day and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

Duration

224. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day.

Officers' oaths

225. Every deputy returning officer, poll clerk, constable or agent authorised to be present at any polling place at the voting on a bylaw shall before exercising any of the rights or functions of his office take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the deputy returning officer presiding at the poll an affidavit in the following form:

I, A. B., do solemnly promise and declare that at the voting on the bylaw submitted to the burgesses of the city of (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted and that I will not in any way whatsoever aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the bylaw.

Declared before me this day of 19 .
C. D.,

Justice of the Peace or Deputy Returning Officer.

Directions to voters

226. The printed directions to be delivered to the deputy returning officers shall be in the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with the pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the bylaw and in the lower space if he votes against the passing of the bylaw.

The voter will then fold up his ballot paper or ballot papers so as to show the name or initials of the deputy returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot or ballots so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the deputy returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter places on any ballot paper more than one mark or any mark by which he may be afterwards identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the deputy returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following form the ballot paper given for illustration the voter has marked his paper in favour of the passing of the bylaw:

19..... Voting on bylaw to (<i>here insert object of the bylaw</i>), submitted to the burgesses of the City of this (<i>date</i>)	FOR THE BYLAW. <div style="text-align: right; font-size: 2em; margin-top: 10px;">X</div>
	AGAINST THE BYLAW.

227. Every burgess shall be entitled to vote only once on **Vote** any referred bylaw and shall cast such vote in the ward in which he may vote for mayor.

228. Every burgess tendering a vote on the bylaw may be required by the deputy returning officer or by any burgess entitled to vote on the bylaw to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect thereof: Oath of voter

You swear that you are of the full age of 21 years;

That you are a freeholder in your own right (*or your wife is a freeholder*);

That you have not voted before on the bylaw;

That you are according to law entitled to vote on this bylaw;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named (*or intended to be named*) in the voters' list (*showing the voters' list to the voter*);

(*In case of an unmarried woman or widow claiming to vote*) That you are unmarried (*or a widow as the case may be*);

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

Oath on
behalf of
corporation

229. The chief resident officer of any corporation tendering a vote on the bylaw may be required by the deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

That you are the chief resident officer of the (*naming the corporation*);

That the said corporation is a freeholder in this ward;

That you have not cast any vote on the bylaw on behalf of the corporation;

That you are according to law entitled to vote on the bylaw as chief resident officer of the said corporation;

That the said corporation is the corporation named (*or intended to be named*) in the voters' list (*showing the voters' list to the voter*);

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the oath or affirmation.

Deputy
returning
officer's
statement

230. The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following heads:

1. Name or number of ward or polling subdivision and date of voting;

2. Number of votes for and against the bylaw;

3. Rejected ballot papers.

Objections

231. The deputy returning officer shall take a note of any objection made by any person authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection; each objection to a

ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer.

232. Every deputy returning officer at the completion of ^{Count} the counting of the votes shall in the presence of the persons authorised to attend make up into separate packets sealed with his own seal and the seals of such persons authorised to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the voting, the name of the deputy returning officer and of the ward or polling subdivision:

1. The statement of votes given for and against the bylaw and of the rejected ballot papers;

2. The used ballot papers which have not been objected to and have been counted;

3. The ballot papers which have been objected to but which have been counted by the deputy returning officer;

4. The rejected ballot papers;

5. The spoiled ballot papers;

6. The unused ballot papers;

7. The voters' list and poll book with the oath in the form prescribed by section 149 hereof annexed thereto a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 137 hereof with their declaration of inability and the note taken of objections made to ballot papers found in the ballot box.

233. Every deputy returning officer shall at the close of ^{Return} the poll certify under his signature on the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the voters' list and poll book in their proper package as aforesaid he shall make and subscribe before a justice of the peace or the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; the declaration shall be in the form prescribed by section 149 hereof and shall thereafter be annexed to the voters' list; the deputy returning officer shall then forthwith return the ballot box to the returning officer.

234. Every deputy returning officer upon being requested ^{Certificate of result} so to do shall deliver to the persons authorised to attend at his polling place a certificate of the number of votes given at the polling place for and against the bylaw and of the number of rejected ballot papers.

Summary
by returning
officer

235. The returning officer after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place shall at the time and place appointed by the bylaw in the presence of the persons authorised to attend or of such of them as may be present without opening any of the sealed packets of ballot papers sum up from such statements the number of votes for and against the bylaw and shall then and there declare the result and shall forthwith certify to the council under his hand whether the majority of the burgesses voting upon the bylaw have approved or disapproved of the bylaw.

Offences

236. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or other person shall interfere with or attempt to interfere with a burgess when polling his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a bylaw.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a bylaw.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on a bylaw.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

Scrutiny

237. If within two weeks after the returning officer has declared the result of the voting on a bylaw any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognisance before the judge in the sum of \$100 with two sureties to be allowed as sufficient by the judge upon affidavits of justification in the sum of \$50 each conditioned to prosecute the petition with

effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

238. At least seven clear days' notice of the day appointed ^{Notice} for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

239. At the time appointed the returning officer shall ^{Hearing by Judge} attend before the judge with the ballot papers and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine whether the majority of the votes given was for or against the bylaw and shall forthwith certify the result to the council.

240. The judge upon such scrutiny shall possess the like ^{Powers of Judge general} power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a bylaw and he may apportion the costs as to him seems just.

241. All the provisions of sections 121 to 176 inclusive hereof so far as not inconsistent with the provisions of the preceding thirty sections hereof shall *mutatis mutandis* apply to proceedings under sections 210 to 240 inclusive hereof.

QUASHING BYLAWS, ETC.

242. Any elector of the city may within two months after the passing of any bylaw or resolution of the council apply ^{Motion to quash} to a judge upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the city and may determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the city clerk and the city seal; and the city clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into a recognisance before the judge himself in

the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the court with the other papers relating to the motion.

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section the applicant may pay into the court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court having been made shall be filed in the court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

Bylaws
procured by
bribery or
corruption

243. Any bylaw which has been procured to be passed through or by means of any violation of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions herein contained.

EXPROPRIATION.

Council
may acquire
land

244. In case the council desires to acquire land for any purpose authorised by this Act the council or commissioners of the city in case they cannot acquire the land at a fair price by agreement with the owners or occupiers thereof or other persons interested therein may acquire the same by expropriation in the name and on behalf of the city.

Compensa-
tion

245. The said council or commissioners shall make to the owners or occupiers of or other persons interested in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

246. Before taking any land the council or commissioners shall deposit with the city clerk plans and specifications showing the land to be taken or used and the work to be done thereon and the names of the owners or occupiers thereof according to the last revised assessment roll. ^{Deposit of plan of land taken}

(2) The city clerk shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

247. In case any land not taken for any work or undertaking constructed, made or done by the council or commissioners under the authority of this Act is injuriously affected by such work or undertaking the owner or occupier or other persons interested therein shall file with the city clerk within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim. ^{Claims for damages}

(2) Such notice shall be given by the city clerk forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

248. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof. ^{OR Compensation appurtenant to land}

249. In the case of land which the city has authority under this Act to take without the owner's consent corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue born, lunatics, idiots or others) have ^{Trustees, etc.}

power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the city any such land or in agreeing as to the amount of damages arising from the exercise by the council or commissioners of any power in respect thereof.

(2) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from Saskatchewan or is unknown or in case his residence is unknown or he himself cannot be found a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(3) In case any person acting as aforesaid had not the absolute estate in the property the city shall pay the amount to be paid in respect of such property as a judge shall direct into court and the city shall not be bound to see to the application of any sum so paid.

Compensation and damages to stand in lieu of land

250. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges, if any, to which the said lands were subject and any claim to or incumbrance upon the said lands or to or upon any portion thereof shall as against the said city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Vesting order

251. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown the city may pay such compensation or damages into court and thereupon the judge on the application of the city may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the city calling upon persons entitled to compensation or damages in respect of any lands or part thereof so taken or injuriously effected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

252. The council or commissioners of the city in ^{Tender} all cases where claims for compensation or damages are made against the city which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the land taken; and in the event of the nonacceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the city and set off against any amount awarded against them.

253. Where a claim is made for compensation or damages ^{Arbitration} by the owner or occupier of or other person interested in lands taken by the council or commissioners or which is alleged to have been injuriously affected in the exercise of any of the powers of the council or commissioners in the event of the council or commissioners not being able to agree with the claimant as to the amount of compensation or damages the same shall be settled and determined by the award of a judge or of a barrister to be appointed by him.

254. The fees to be paid to a judge or the arbitrator ^{Arbitrator's fees} appointed by him upon any arbitration shall be as follows:

For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party \$3;

For every day's sitting to consist of not less than 6 hours \$20;

For every sitting not extending to 6 hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with for each hour occupied \$3.

255. The reference of any such claim to a judge shall not ^{Effect of reference} be deemed to be an admission of any liability on the part of the city; and all defences and objections shall be open to either party as if an action had been brought.

256. The judge or other arbitrator may award the ^{Costs} payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officers of the court without any further order; and the amount so determined shall be payable within one week after taxation.

257. In case of an award under this Act the judge or ^{Notes of evidence and view} other arbitrator shall take and immediately after making of the award shall file with the city clerk for the inspection

of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof; and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof.

Effect of
award

258. The award shall not be binding on the city unless it is adopted by the city by bylaw within one month after the making of the award; and if not so adopted the property shall stand as if no arbitration had been held and the city shall pay the costs of the arbitration.

PART V.

Municipal Finance.

FINANCE.

Accounts of
debts,
special rates,
sinking
funds, etc.

259. The treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

Disposal of
surplus

260. If after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of such debt for the purpose of payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

Sinking fund

261. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the city.

Special
rates

262. The council may by bylaw direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinafter provided shall from time to time as the same occurs be applied towards payment or redemption at such value as the council may fix

for or of any part of such debt or of any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such bylaw; and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by such bylaw.

263. In the event of the council diverting any of the said moneys for current or other expenditure the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount may be recovered by the city by action against them in the supreme court. ^{Liability in case of diversion of moneys}

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the city the action may be brought by any elector on behalf of the city.

264. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or for the instalment necessary for the payment of any debenture debt of the city every member of the council shall be disqualified from holding any municipal office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of the judge that he made reasonable efforts to procure the levying of the said amounts. ^{Neglect to levy sinking fund}

265. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the city or in any other debentures of the city or in first mortgage of freehold real estate within the city to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities. ^{Investment of sinking fund}

(2) The council may regulate by bylaw the manner in which such investment shall be made in the aforesaid securities.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the council; but the council may apply the sinking fund to

an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) The council may direct by bylaw that any surplus moneys in the hands of the treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt; and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

Surplus
income from
civic works

266. The council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund, as the case may be, or may be applied in payment of any instalment thereof accruing due or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

Prohibition
as to
investment

267. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 265 hereof otherwise than is therein authorised and any person so doing shall be held personally liable for any loss thereby sustained by the city.

Consolidation
of
bylaws

268. In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures in consequence of many of the same having to be issued for small and broken amounts the council may from time to time after the passing of bylaws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property therein described pass a collective or accumulative bylaw consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidating bylaw apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual bylaw passed in the first instance.

Temporary
loans

269. After a referred bylaw has been finally passed by the council the council may by bylaw authorise the mayor and treasurer to raise from time to time by way of a temporary

loan in anticipation of the issue or sale of the debentures authorised by the referred bylaw and for the purposes thereby authorised such sum or sums not exceeding in the aggregate eighty per centum of the total principal sum authorised by the referred bylaw to be raised as the council deems expedient and all such temporary loans shall be a special charge upon the debentures in anticipation of the issue or sale whereof such temporary loans were made.

270. The treasurer shall open and keep a book to be known as "The Debenture Register;" in the said book there shall be entered particulars of every bylaw authorising the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer with the proper particulars inserted therein in the following form:

Registered in the debenture register as No.	under
bylaw No. this	day of 19 .

271. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value notwithstanding any defect in form or substance therein.

272. A certificate signed by the mayor and treasurer and sealed with the corporate seal of the city that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

273. In case any debenture issued under the authority of any bylaw has been sold, mortgaged, pledged or hypothecated the city may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof and thereupon issue one or more new debentures in substitution thereof; and may make such new debenture or debentures payable by the same or a different mode of payment:

Provided that neither the period over which the indebtedness was originally spread or the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

274. Any debenture issued by the council may contain a provision in the following words:

This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the

treasurer of this city be transferable except by entry by the treasurer or his deputy in the debenture register of the city.

Certificate
of ownership
of debenture

275. In case of the issue of any debentures containing the provision in the last section mentioned the treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture; no such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executor or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the treasurer.

(2) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the treasurer or his deputy in such debenture register from time to time as transfers of such debenture are authorised by the then owner thereof or his lawful attorney.

DEPOSIT OF SINKING FUND WITH THE PROVINCIAL TREASURER.

Sinking fund
may be paid
into
provincial
treasury

276. Notwithstanding the foregoing provisions of this Act the council where it proposes to pass a bylaw for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof may pass a bylaw wherein it may be provided that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer to the provincial treasurer.

Treasurer
may allow
interest on
funds in his
hands

(2) Where a municipality avails itself of the right conferred by the next preceding subsection the provincial treasurer may receive from the treasurer of the city the annual amounts so levied on account of the sinking fund and allow and credit the city with interest thereon at the rate of four per cent. per annum compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Money so
received to
form part of
general
revenue
fund

(3) All moneys received by the provincial treasurer under the provisions of this section shall form part of the general revenue fund of the province and a statement of the amount at the credit of each city shall be set forth annually in the public accounts of the province.

Sinking
fund may
be invested
in the
debentures,
etc.

(4) The Lieutenant Governor in Council may from time to time should such course be deemed advisable direct the provincial treasurer to invest the amount at the credit of the city or any part thereof as directed by section 9 of *The Treasury Department Act* or in the debentures of such city to redeem which such sinking funds were paid to the provincial treasurer.

(5) Any bylaw passed under the provisions of this section may also provide that the debentures and coupons for the interest thereon may be payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States or Canada. Place of payment

277. Where a bylaw has been passed under the authority of the next preceding section the amount payable in any year to the credit of the sinking fund which under the provisions of the bylaw is to be paid to the provincial treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in any court of competent jurisdiction in his own name as for a debt due to the crown. Amount payable into sinking fund to be a debt due to the treasurer

278. Every city the council of which shall hereafter pass any bylaw under the provisions of section 276 hereof shall within thirty days after the final passing of the bylaw transmit a duly certified copy thereof to the municipal commissioner. Debenture bylaws to be sent to municipal commissioner

279. Where by any bylaw heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the bylaw the city in each year in which the sinking fund is required to be raised shall transmit to the municipal commissioner a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with and the state of the investment of any part of the sinking fund therefor collected which return shall be verified by the affidavit or statutory declaration of the mayor and of the city clerk. Annual return as to sinking fund to be made to municipal commissioner

280. Any city which does not comply with the provisions of the next preceding section and the mayor and the clerk thereof shall be guilty of an offence; and for every offence each shall incur a penalty not exceeding \$100 to be recovered with costs by summary conviction. Penalty

PART VI.

Assessment and Taxation.

281. The council may by bylaw divide the city into assessment districts and if they deem necessary may appoint one or more assistant assessors to aid the assessor in the work of assessment and shall appoint two of their number who with the assessor shall on completion of the assessment roll and before assessment notices are sent out check over the assessment roll and make such corrections as the majority of the committee may decide. Assessment districts
Assessors and committee

Assessment
roll

282. The assessor shall complete his assessment roll in each year by the thirty-first day of May.

283. Unless the municipal commissioner otherwise provides the assessment roll shall be in the following form:

CITY OF ASSESSMENT ROLL FOR YEAR 19	No. of Assessment.	
	The names in full (if the same can be ascertained) of every person taxable in the City.	
	Post Office Address.	
	Own. (owner), occ. (occupant).	
	Brief description of taxable property.	
	Frontage and depth.	
	The actual cash value of each parcel or lot of real property or of the interest of the taxable person thereon.	
	Value of buildings.	
	V. (vacant), R. (residential), B. (business).	
	Business assessment.	
	Taxable income.	
	Special franchises.	
	Total Amount of assessment.	
	Public or separate school supporter.	
	Date of assessment.	
	Value of property exempt from taxation.	
	Date of delivery or posting of notice.	

284. If any assessor makes fraudulent assessment or ^{Fraudulent assessment} wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.

285. The assessor within three weeks after completing the ^{Notice of assessment} said roll and after the same has been corrected pursuant to by the provisions of section 281 shall publish in a newspaper ^{publication} published in the city a notice in the following form:

City of
Assessment Roll, 19 .

Notice is hereby given that the assessment roll of the city for the year 19 has been prepared and is now open to inspection at my office in the city hall from 10 a.m. to 4 p.m. on every juridical day except Saturday (and on that day from 10 a.m. to noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

Dated this day of 19

A. B.
Assessor.

286. The assessor shall also within ten days after the ^{Notice by mail} completion by him of the assessment roll and after the same has been corrected pursuant to the provisions of section 281 transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 285 hereof and there shall be indorsed thereon a written or printed form of complaint as given in section 288 hereof.

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

287. If any person named in the said roll thinks that he or ^{Appeal to council} any other person has been assessed too low or too high or that his name or the name of any other person has been wrongly inserted in or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the council

or if commissioners have been appointed as hereinbefore provided to the commissioners to correct the said error and in such notice he shall give a name and address where notices may be served upon him.

Form of
notice of
appeal

288. Every such complaint shall be in the following form:
To the Assessor of the City of

Sir,—I hereby appeal against assessment (No. , or as
the case may be) in ward No. on the following
(herein state grounds of appeal).

C. D.
Applicant.

Dated this day of 19 .

Notice of
hearing

289. The assessor shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected thereby of the time and place of the sittings of the council or commissioners to hear the said appeal.

Time of
notice

290. Every such notice shall be posted by registered letter to the post office address of such person as entered on the assessment roll at least fifteen days before the sitting of the council or the commissioners unless such person has a place of business within the city in which case the assessor shall cause the said notice to be served at such place of business at least six days before the sitting of the said council or commissioners.

List of
appeals

291. Before the sittings of the council or commissioners the assessor shall prepare a list of the appeals in the following form which list shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the council or commissioners:

Appeals to be heard by the council (or commissioners as
the case may be) of the City of on the day of
19 .

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner or tenant
L.M.	Self	Income overcharged
etc.	etc.	

292. The assessor shall be the clerk and secretary of the ^{Secretary} council or commissioners in connection with assessment appeals.

(2) As such clerk the assessor may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council or commission hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

293. The appeals shall be heard as far as possible in the ^{Conduct of} order in which they stand upon the said list but the council or commissioners may adjourn or expedite the ^{hearing} hearing of any appeal as they think fit.

294. If the appellant or any other person whose assess-^{Non-}ment is affected or may be affected by the result of the appeal ^{appearance} fails to appear in person or by an agent the council or commissioners may proceed *ex parte*.

295. It shall not be necessary to hear upon oath the ^{Evidence} complainant or assessor or the person complained against except where the council or commissioners deem it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council or commissioners may be administered by any member of the council or by any commissioner hearing the appeal.

296. All the duties of the said council or commissioners ^{Termination of sittings} under the foregoing sections shall be completed by the twenty-fifth day of July; and no appeal to the said council or commissioners shall be heard after that date.

297. Forthwith after the conclusion of the sittings the ^{Amendment of roll} assessor shall amend the assessment roll in accordance with the decisions of the council or commissioners; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the assessor.

Binding
effect of
amended
roll

298. The roll as finally passed by the council or commissioners and certified by the assessor as so passed shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in the notice required by section 286 or any omission to deliver or to transmit such notice.

Evidence
of roll

299. A copy of the roll or any portion thereof written or printed without any erasure or interlineation and under the seal of the city and certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

Omissions
from assess-
ment roll

300. If at any time before the first day of December it shall be discovered that the property, business or income of any taxable person or part thereof is not included in the roll or that any person has commenced business after the assessment roll has been completed the assessor shall notify such taxable person by registered mail if he resides or has a place of business within the city that at a meeting of the council to be held at least six days after such notice an application will be made to the said council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for.

Notice

(2) If such taxable person does not reside or have a place of business in the city then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the council.

(3) After such notices have been mailed as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the council may assess such taxable property and direct the assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

Provided always that all the provisions of this Act as to appeals from assessments as far as the same are applicable shall apply to any such assessment.

(4) Immediately after such assessment shall be made as aforesaid the assessor shall place the same on the tax roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the rest of the taxes.

Duties of

301. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector and the assessor has reason to suspect that the person so claiming or the person on

whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall upon summary conviction thereof be liable to a penalty of \$25 with costs and to imprisonment until the penalty and costs are paid.

(4) The assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his written authority that he is a supporter of public schools or of separate schools, as the case may be, and such statement shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll the letters "PSS" or "SSS," as the case may be, and in the absence of any such statement the assessor shall make such entries in accordance with his belief.

302. It shall be the duty of every assessable person to give ^{Information to be given} to the assessor all information necessary to enable him to make up the roll but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

303. It shall be the duty of every person employing any ^{Information by} other person in his trade, manufacture, business or calling to ^{employers} give to the assessor on demand information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceeds \$200 per annum.

304. The roll with any amendments made as aforesaid ^{Adoption of roll} shall be adopted by the council on or before the second day of August and shall thereupon become and be the revised assessment roll of the city:

Provided that there shall be a right of appeal from the decision of the council or commissioners to a judge as provided by and according to the procedure prescribed herein.

Correction
of errors

305. The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialed by the assessor.

APPEAL FROM COURT OF REVISION TO A JUDGE.

Appeal lies
to a judge

306. An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

Proceedings
on appeal

307. In all appeals under the provisions of the preceding section the proceedings shall be as follows:

Notice of
appeal

1. The appellant shall in person or by agent serve upon the assessor within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge;

2. The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals;

Assessor to
notify
parties
interested
in appeals

3. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

Time of
notice

4. Every such notice shall be posted by registered letter to the post office address of the appellant as entered on the assessment roll at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the city in which case the assessor shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals:

Provided however that in the event of failure by the assessor to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

Assessor to
post notice
of appeals

5. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal also a statement of the time and place fixed by the judge for the hearing of such appeals;

6. The city clerk shall be the clerk of the court to be held by the judge for hearing the appeals and may issue subpoenas for the attendance of witnesses and the production of documents at said court; ^{City clerk to be clerk of court}

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the first day of September; all deferred judgments shall be in writing and when given shall be filed with the city clerk; ^{Hearing and determination of appeals}

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his judgment the city clerk shall when the same is given forthwith alter and amend the roll according to the terms of the judgment and shall write his own name opposite every such alteration or correction;

9. In such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in said court; ^{Judge's powers}

10. All process or other proceedings in, about or by way of appeal may be entitled as follows: ^{Title of proceedings}

In the matter of appeal from the court of revision of the city of

A.B.,
Appellant,

and

C.D.,
Respondent;

11. The costs of any proceeding before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs recovered in such court; ^{Cost of proceedings}

12. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attend- ^{Taxation}

ance and none other, the same to be taxed according to the allowance in the court for such costs; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

Decision
final

13. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

TAXATION.

Subjects of
taxation

308. Subject to the other provisions of this Act the municipal and school taxes of the city shall be levied upon: (1) lands; (2) businesses; (3) income; and (4) special franchises.

Exemptions

309. The following property shall be exempt from taxation:

1. The interest of the Crown in any property including property held by any person in trust for the Crown;

2. Property specially exempted by law or held for the public use of the Government of Saskatchewan;

3. If any property mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the property itself shall not be liable;

4. Every place of public worship and the land used in connection therewith not exceeding one acre except such part as may have any other building thereon;

5. The buildings and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every university, every school established under the authority of *The Secondary Education Act* or *The School Ordinance* and every ~~incorporated hospital~~ and the association known as "The Young Men's Christian Association" so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied;

6. All property (real and personal) belonging to the city and used only for civic purposes;

7. Every public library established under *The Public Libraries Act*;

8. The income of every person up to the amount of \$1,000;

9. The grounds and buildings of every agricultural society established under *The Agricultural Societies' Act*;

10. The buildings and grounds exempted under clauses 4, 5 and 9 of this section shall nevertheless be liable to be assessed for local improvements.

(2) Any person who is assessed and taxed in respect of land and buildings thereon and income derived from wages or salary shall be liable to pay in addition to the amount of his tax on land and buildings thereon only the amount, if any, by which his taxes on such income exceed his taxes on land and buildings thereon.

310. Land shall be assessed at its fair actual value and buildings and improvements thereon at sixty per cent. of their actual value; in estimating its value regard shall be had to its situation and the purpose for which it is used or if sold by the present owner it could and would probably be used in the next succeeding twelve months; in case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be substantial if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed. Mode of
assessment

(2) The mode of assessing businesses shall be as follows: The assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways or other obstructions) of each building or part thereof used for business purposes and shall as far as he deems practicable classify the various businesses and may fix a different rate for each and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class and may classify each building or part thereof according to the class of business carried on therein and may fix a different rate for different classes of business carried on under the same roof and for storehouses and warehouses or other like appurtenant buildings than that fixed for the principal building and may fix a different rate for different flats of buildings; such rate shall not exceed \$8 per square foot except in the case of banks, loan companies or other financial institutions in which case such rate shall not exceed \$15 per square foot.

(3) Whenever it is found by the assessor that a business is being carried on either wholly or partially outside of any building he shall fix a rate per square foot of the yard space used for such business and shall as far as he deems practicable classify the various businesses and may fix a different rate for each but such rate shall not exceed four dollars per square foot.

(4) The owner of a special franchise shall not be assessed in respect of business or income but in addition to an assessment on land shall be assessed for the actual cost of the plant and apparatus less a reasonable deduction for depreciation.

(5) No person who is assessed in respect of any business or special franchise shall be assessed in respect of the income derived therefrom and no person who is assessed in respect of any business or special franchise or of any income derived therefrom shall be liable to pay a license fee in respect of the same business or special franchise.

(6) For the purposes of this section only the word "lands" shall not include buildings and other improvements thereon.

Occupant of
owner
liable

311. The occupant of any building liable to taxation under the preceding section shall be liable for the business tax aforesaid though he may also be the owner of the premises and liable as such owner to taxation on the land.

Poll tax

312. Except members of his Majesty's naval or military forces on full pay or on actual service or of the Royal North-West Mounted Police force or of the city fire brigade every male person of the age of twenty-one years or upwards who has been a resident of the city for at least three months during the then current year prior to the thirty-first day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$3; the said poll tax may be collected at any time after the first day of June but every person liable to pay a poll tax and any of the persons hereinbefore excepted upon satisfying the assessor on or before the first day of July in the then current year that for a period of at least three months prior to the first day of July in the then current year he has *bona fide* resided in the city and during the said period has been and still is a *bona fide* occupant of premises therein as a tenant, lodger, employee or servant of the owner or person entitled to the possession of the premises and upon producing the receipt of the treasurer showing the payment of the sum of \$5 as "householder's tax" shall be entered by the assessor upon a list to be called the "Householder's Tax List" and shall thereupon be exempt from the payment of a poll tax for the then current year.

Householder
tax list

Collection of
poll tax

313. A poll tax may be collected in the same manner as other municipal taxes or may be recovered on summary conviction with costs against the person neglecting or refusing to pay the same and the person appointed to collect the same may also demand the same from the employer of the person liable to pay the same and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax and shall pay the same as soon as the amount of the tax is earned by his said employee to the person appointed to collect the same and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment not exceeding thirty days.

RATES.

314. The council shall in each year fix by bylaw and levy ^{Limitations} upon all the lands, businesses, income and special franchises as are assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all valid debts of the city falling due within the year making due allowance for the cost of collection and for the abatement and losses which may occur in the collection thereof; but the council shall not levy in any one year more than an aggregate rate of two cents on the dollar (exclusive of school rates and local improvement rates) upon the total value of the assessable property within the city according to the last revised assessment roll thereof.

315. The council may pass one bylaw or several bylaws ^{Bylaw} authorising the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the assessable property in the city as shall be sufficient to raise the sum required according to such estimates.

(315 a) 1909/180

316. If the amount collected falls short of the sum required ^{Deficiency} the council may direct the deficiency to be made up from any unappropriated fund belonging to the city.

317. If there is no unappropriated fund the deficiency ^{Equal} may be equally deducted from the sums estimated as required ^{deduction} or from any one or more of them.

318. If the sums collected exceed the estimates the balance ^{Surplus} shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

319. The rates or taxes imposed or levied for any year ^{Date of} shall be considered to have been imposed and to be due on and ^{maturity} from the first day of January of the then current year ending ^{of taxes} with the thirty-first day of December thereof unless otherwise expressly provided for by the bylaw under which the same are directed to be levied.

320. The council may authorise the mayor and treasurer ^{Temporary} to borrow either before or after the passing of the bylaw ^{loans} levying the taxes for the current year from any person or bank such sums as the council deem necessary to meet the current expenditure of the city until the taxes levied or to be levied for the year can be collected.

Limitation

321. The amount so borrowed shall not exceed eighty per cent. of the estimated amount of the taxes for the current year and if the council authorises the borrowing of any larger sum than the amount aforesaid every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

TAXES.

Preparation
and
contents of
roll

322. On or before the first day of October in each year the assessor shall prepare a tax roll and the treasurer shall proceed to collect the taxes specified therein.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:

- (a) The name of every person assessed;
- (b) His residence;
- (c) The nature of the property in respect of which he is assessed;
- (d) The total amount for which he is assessed;

and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rate; (3) school rate; and (4) arrears and the total thereof:

Provided that any person whose business tax would be less than \$10 shall be taxed \$10; and provided further that any person whose general tax would be less than \$3 shall be taxed \$3.

Tax notice
to resident

323. If a taxable person is a resident of the city the treasurer or assessor shall either transmit to him by post a written or printed notice showing the amount of the taxes payable by such person and distinguishing between:

- 1. Taxes on land;
- 2. Taxes on business, income or special franchise;
- 3. School taxes; and
- 4. Local improvement or other special tax;

or serve such notice upon any grown up person at the residence or business office of the person taxed; and the treasurer shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials; and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

324. In case the taxable person is a nonresident the treasurer shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such evidence shall be *prima facie* evidence that the said notice was so transmitted and of the date of such transmission. Tax notice
nonresident

325. The council may by bylaw require payment of taxes including local improvement rates, sewer rates, school rates and all other rates to be made by the taxable person at the office of the treasurer on any day or days and in bulk or by instalments; and they may also provide that on punctual payment of any instalment the time of payment of the remainder may be extended to a day or days to be named in the bylaw. Instalments

326. No rebate or allowance by way of discount for payment of the aforesaid taxes or any part thereof on or before the day or days when the same are payable shall be allowed hereafter; but a penalty amounting to a sum equal to eight per centum of the tax shall be added to the said tax roll and be collected in respect of all taxes remaining unpaid on the first day of January in each year. No rebate
to be
allowed

327. The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof (saving his recourse against any other person); and such taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or incumbrance of every person except that of his Majesty and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city. Land tax a
lien

328. The production of a copy of so much of the roll as relates to the taxes payable by any person in the city certified as a true copy by the treasurer shall be conclusive evidence of the debt. Evidence

329. Any tenant may deduct from his rent any taxes paid by him which as between him and his landlord the latter ought to pay. Deduction
by tenant

330. When taxes are due upon any land occupied by a tenant the treasurer may give such tenant notice in writing requiring him to pay the treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid including costs; and the treasurer shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the

amount of the unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

**Distress for
taxes where
lien**

331. In case taxes which are a lien upon land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 323 hereof or in case of nonresidents for one month after the posting of the statement provided for by section 324 hereof the treasurer may levy the same with costs by distress either:

1. Upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

- (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or
- (b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any relative of his in case such relative lives on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

**Goods of
owner or
taxed person
only
seizable**

332. Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

**Tenant's
goods**

333. No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

334. In case taxes which are not a lien on land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 323 hereof or in case of a nonresident for one month after the posting of the statement provided for by section 324 hereof the treasurer may levy the same with costs by distress either: ^{Distress where no lien}

1. Upon the goods or chattels of the person taxed wherever found within the city; or

2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or

3. Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of clause 4 of section 331 hereof and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;

4. And also in case of a business tax upon the goods or chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section of any person who occupies the premises in respect of which the business tax was assessed as purchaser of the business theretofore carried on therein by the person taxed.

335. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes. ^{Stranger's goods}

336. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon. ^{Assignee or liquidator}

337. Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll. ^{Exemptions}

338. The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption. ^{Selection}

**Anticipatory
distress**

339. If at any time after demand has been made or notice given pursuant to sections 323 and 324 hereof and before the expiration of the time for payment of the taxes the treasurer has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the city and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the treasurer authorising him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the treasurer may levy accordingly.

Costs

340. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under chapter 14 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Distress for Rent and Extra Judicial Seizure*.

Errors

341. No defect, error or omission in the form or substance of the notice or statement required by sections 323 and 324 hereof or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

Sale

342. The treasurer shall by advertisement posted up in at least three public places in the city near to the distrained property give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the treasurer shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

**Surplus,
return of**

343. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

**Surplus,
claim to**

344. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

**Contested
claim**

345. If the claim is contested the surplus shall be retained by the treasurer until the respective rights of the parties have been determined by action or otherwise.

**Reasons for
noncollection**

346. If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not

collect the same by inserting in each case the words "nonresident" or "not sufficient property to distrain" or "instructed by council not to collect" or "instructed by council to return not collected," or as the case may be.

347. As soon as possible after the first day of January in ^{Arrears of taxes} each year the treasurer shall add any unpaid taxes (not *Rep. Nov. 12, 1909 p. 180* including any arrears that may have been included in the total) that may appear on the tax roll of the preceding year against any piece of land to the arrears of taxes already charged in the tax register and also eight per centum on the whole amount then due.

348. The treasurer shall on demand furnish a written ^{Tax certificates and searches} statement of the arrears of taxes charged against any land at that date certified under his hand and whether such certificate be desired or not a charge shall be made of ten cents per lot for every search.

SALE OF LAND FOR TAXES.

349. Whenever any portion of taxes on any land has been ^{List and advertisement} due for one year calculated from the thirty-first day of December of the year on which the same were imposed the treasurer shall prepare a list of all the lands on his books on which taxes are so due with the amount of arrears against each lot set opposite to the same and the name and address of the owner if known and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and the mayor and treasurer shall authenticate such list by affixing thereto their signatures and the seal of the city and the treasurer shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the city and for the next following five consecutive weekly issues of said newspaper preceding the day of sale therein named shall publish a notice therein in form following:

Sale of lands in the City of _____ for arrears of taxes.

Notice is hereby given that certain lands in the city of _____ will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

(2) The said notice shall be published in two consecutive issues of *The Saskatchewan Gazette* during the four consecutive weeks mentioned in subsection (1) hereof.

350. The advertisement shall contain a notification that ^{Contents} unless the arrears of taxes and costs are sooner paid the

treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement.

Particulars **351.** Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes.

Omission **352.** All the lots liable for sale shall be included in the same statement and notice; but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

Time of sale **353.** The day of sale shall not be more than forty days after the last publication as hereinbefore provided; and the sale shall take place at such place in the city as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the city as the treasurer in his said notice shall name.

Adjournment **354.** The treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days.

Sale by auction **355.** At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for.

Sale to city **356.** If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the treasurer shall there and then sell the same to the city at the upset price.

Surplus purchase price **357.** If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall be required to pay at the time of sale only the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited; and if the said balance of purchase money shall not be so paid

by the purchaser or his assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

358. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. ^{Default of purchaser}

359. The treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further stating that a transfer of the same to the purchaser or his assigns shall be executed by the treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer. ^{Certificate of sale}

360. The purchaser shall on receipt of the treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which lands may be redeemed; but he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force. ^{Spoliation or waste}

361. A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made and signed by the treasurer in duplicate and may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. ^{Return of sales}

362. The owner of any land which may hereafter be sold for taxes or his assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied ^{Redemption}

against said land and paid by the purchaser before the date of redemption; and the treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption.

Dates

363. For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

Effect of redemption

364. From the time of payment to the treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease.

Payment by third party

365. Whenever such redemption is effected by a person not specially authorised by the owner or his assigns the treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the treasurer.

Notice to tax purchaser

366. The treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

Transfer on non-redemption

367. If the land be not redeemed within the period allowed by this Act then on demand of the purchaser or his assigns at any time after the expiration of the time limited for the redemption and upon payment of the balance of purchase money as aforesaid and of the further sum of \$2 the treasurer shall prepare and execute and deliver to him or them a transfer of the land sold:

Provided that any land sold to the city under the provisions of this Act as hereinbefore provided shall be transferred to the city by the treasurer immediately upon the expiration of the time allowed for the redemption without charge; such transfer shall state the date and cause of sale and the price and shall have the effect of vesting upon confirmation of the sale by a judge the land in the purchaser or his assigns in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear; such transfer shall be in the form following or to the like effect:

TRANSFER OF LAND ON SALE FOR TAXES.

I, _____ of the city of _____ in the
 Province of Saskatchewan, treasurer of the city of _____
 by virtue of the authority vested in me by *The City Act*
 to sell lands for arrears of taxes do hereby in consideration
 of the sum of _____ dollars
 paid to me by _____ of _____
 being the price for which the said land was sold at a sale by
 me on the _____ day of _____ 19____
 for arrears of taxes due on said land to the said city, transfer
 to the said _____ all that piece of land being _____

In witness whereof I have hereunto set my hand and the
 corporate seal of the said city this _____ day of _____ 19____
 Signed by the above named }
 in the presence of _____ }

AFFIDAVIT OF WITNESS TO BE INDORSED ON TRANSFER.

Canada: _____ } I,
 Province of Saskatchewan. } of _____ (residence)
 To wit: _____ } in the Province of Saskatchewan,
 (occupation) make oath and say:

1. That I was personally present and did see
 _____ named in the within instrument who is personally
 known to me to be the person named therein, he being the
 treasurer of the city of _____, duly sign and execute the
 within instrument for the purpose named therein;

2. That the said instrument was executed at the city of _____
 _____, in the Province of Saskatchewan and that I am
 the subscribing witness thereto;

3. That I personally know the said _____
 _____ and he is in my belief of the full age of
 twenty-one years.

Sworn before me at _____
 in the Province of Saskatchewan }
 this _____ day of _____ 19____ }

368. Such transfer shall not only vest in the purchaser or ^{Effect of} his assigns, as the case may be, all rights of property which the ^{transfer} original holder had therein but shall also purge and disencumber such lands from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the city or Crown; and whenever lands are sold for arrears of taxes and the city treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except

as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described; also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

- (a) Fraud or collusion; or
- (b) That all taxes have been paid; or
- (c) That the land was not liable to assessment.

Lands in
which
Crown is
interested

Invalid sale

369. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour of right whatever; and the city in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the treasurer and legal interest thereon as for damages or otherwise and such costs as the court may award; but the tax purchaser or his assigns shall have a lien on the lands for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same were so paid.

Tax sale
fund

370. The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sale fund; and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the city and the said city shall forever be discharged from any claim on account thereof.

Claims
against fund

371. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which

shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned:

Provided that written notice is served upon the treasurer previously to the time limited for forfeiture and upon producing and leaving with the treasurer within six months from the date of service of such notice of claim an order¹ signed by a judge of the supreme court reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the city to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the treasurer and shall be the warrant and authority for making such payment.

372. In seeking to obtain a judge's order any claimant upon said fund shall in person or by attorney petition the judge in writing for that purpose describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge; and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim; and the said judge may in his discretion require the claimant to serve a notice of his application upon the city or publish the same in any manner he may deem proper or to substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into court there to be dealt with in such manner as the court shall order; and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the treasurer.

373. The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding.

374. In any case where the judge deems it advisable to order notice to be served upon the city he shall in the final decision of the question if the claimant is successful order the costs of the city to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court for the costs of the city after taxation thereof or as allowed by the judge.

Effect of
making
claim

375. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale; and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

Setting
aside sale
for taxes

376. In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale being the time within which only any such action can be brought or proceeding taken for that purpose the plaintiff shall within ten days after commencing his action or proceeding cause the treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried; and in case the plaintiff succeeds the judge or court shall order said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives; and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of such land and the person entitled to the said surplus money according to the true intent and meaning of this Act; then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of the defendant as he may have been ordered to pay.

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificate of title has not been granted.

Liability
of city

377. In no case shall the city be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom except in case of a sale held void by a competent court in which case the costs shall be in the discretion of the said court.

LOCAL IMPROVEMENTS.

Interpre-
tations

378. The term "local improvements" shall be taken to mean:

- (a) The opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking of any street or public lane, alley, way or place; or
- (b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) The curbing, sodding, boulevarding or planting of any street or public lane, alley, square or other public place; or
- (d) The making, deepening, enlarging or prolonging of any common sewer; or
- (e) The constructing of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
- (f) The reconstructing (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof; or
- (g) The repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made:

Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement; such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement: and

Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or lots or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid; such lot or lots, parcel

or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances:

Provided that in case of sewers if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the municipal account relating to sewers; but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abuts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefitted by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefitted by the local improvement to such total charge.

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discounts and interests.

Amount of
assessment
and mode of
collection

379. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per cent. per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be

repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general city taxes:

Provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

380. The council may pass bylaws:

**Procedure
bylaws**

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the municipality at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment;

and it is hereby declared that a bylaw or bylaws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special bylaw in each particular instance:

- (b) For borrowing by the issue of debentures upon the credit of the city at large the money required to meet the whole or any part of the cost of any local improvement provided (1) that bylaws for the purpose of raising money in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the city at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is to be borne by the city at large or of that part of the cost

which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of ratepayers to the passing of any bylaw for raising such portion of the cost of a local improvement as is or is to be levied by special assessment or of any bylaw for raising such portion of the costs as is to be borne by the city at large of an extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the city at large shall be greater than can be properly paid out of the current revenue of the city for the current year; and (4) that nothing herein contained shall be construed as authorising an extension of the general debt of the city beyond the limits thereof fixed by this Act;

- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the city at large the whole or any part of the cost of a local improvement provided that clause (d) of subsection (1) of section 185 hereof shall not apply to the case of such temporary loans;

and it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the city within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any bylaw for borrowing money but it shall be sufficient to state in any such bylaw that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessments.

Petition
or notice

381. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided:

- (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll the council may take all proper and necessary

proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;

- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:

Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.

- (2) (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published in the city;
- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year;
- (c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

382. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained. ^{Time of making improvement}

383. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or ^{Invalid assessment}

new assessment or assessments may be made until sufficient moneys have been realised to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid.

Appeal

384. There shall be a right of appeal against every assessment made under the authority of any bylaw passed respecting local improvements to the council or if commissioners have been appointed as hereinbefore provided to such commissioners and further to the judge in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

Notice of assessment

385. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth:

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the local improvement;
- (d) The portion if any of the cost to be borne by the city at large;
- (e) The portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the council or commissioners for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

Evidence of

386. A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

Quashing

387. No assessment under the provisions of this Act respecting local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of sections 241 and 242 hereof and before the date fixed for the sittings of the court of revision.

388. The decision of the council or commissioners subject to an appeal to a judge by the like procedure and as in like cases under the provisions of this Act shall be final and conclusive upon all matters respecting the assessment and special rate; and the council or commissioners and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Decision of
the council
or commis-
sioners

389. The moneys required to pay the costs of local improvements may be borrowed under the authority of one or more bylaws; and the portion payable by way of special assessment and the portion to be borne by the city at large may be provided for in one or more separate bylaws; and every bylaw providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise:

Contents of
bylaw

1. The amount of the debt which such bylaw is intended to create and in general terms the object for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under the bylaw and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;

3. The total value of the land charged with the special assessment and if any portion of the debt created by such by law is to be borne by the city at large the value of the whole ratable property of the city according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the city at large; but as to so much as is not to be paid by the city at large the city is to collect the same only by way of special assessment as aforesaid.

PART VII.

Highways and Public Places and Actions by and against the City

HIGHWAYS AND PUBLIC PLACES.

390. All public roads, streets, bridges, highways, lanes, alleys, squares or other public places in a city shall be subject to the direction, management and control of the council for the public use of the city.

city

Without the
city

391. The Lieutenant Governor in Council may by order in council direct that any highway, bridge or stream not wholly within the city limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the city.

Closing, etc.,
of streets

392. The city may pass bylaws for:

1. The closing and selling or leasing of any public highway the fee whereof is not vested in the Crown:

Provided that no such bylaw shall be passed unless at least two weeks' notice of the intention of the council to pass the same be given by registered letter to the persons registered or assessed as the owners of the lands abutting upon the portion of highway so proposed to be closed and sold or leased and published previous to the passing of the bylaw in some newspaper published in the city in at least one number of such paper each week for two successive weeks nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw;

2. Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damage to his land by reason of anything done under the bylaw; such compensation to be determined in the same manner and subject to the same conditions as in the case provided for by sections 244 to 258 hereof inclusive.

Repairs

393. Every public road, street, bridge, highway, square, alley or other public place subject to the direction, management and control of the council including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the council shall be kept in repair by the city; and on default of the city so to keep the same in repair the city besides being subject to any punishment provided by law shall be civilly responsible for all damage sustained by any person by reason of such default.

Private
dedication

394. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by bylaw or has been assumed for public use by the council or by the commissioners of the city.

City's
remedy over
in action of
damages

395. In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square or other public place placed, made, left or maintained by any person other than a servant or agent of the city or to

recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the city, the city shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the city.

396. The city shall be entitled to such remedy over in the same action if the other party is made a party to the action; and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person the city may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the city); and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

397. If such other person be not a party defendant in such action or be not added as a party defendant or third party or if the city has paid the claims for such damages before any action is brought to recover the same or before the recovery of damages or costs against the city therein the city shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

398. Such other person shall be deemed to admit the validity of the judgment if any obtained against such city in cases only where a notice has been served on such person pursuant to the provisions of *The Judicature Act* or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

399. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the city or when damages have been paid without action or without recovery of judgment against the city the liability of the city for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the city to recover in such action.

**Joint
liability**

400. Where the city and an adjacent municipality or adjacent municipalities are jointly liable for the keeping in repair a public road, street, bridge, stream or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair; and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

**Limitation
of liability**

401. Nothing contained in sections 393 or 394 hereof shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the city has no control where the city is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a bylaw, resolution or license of the council.

**No liability
on officer of
city**

402. Where an action may be brought against the city by any person who has suffered damages by reason of the default of the city in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally but the remedy thereof shall be wholly against the city.

(2) This section shall not affect the liability of a mere contractor with the city nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

ACTIONS BY AND AGAINST CITY.**Rights as in
proceedings**

403. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the city shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

404. In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the city; and every such action shall be brought against the city alone and not against any person acting under the bylaw or resolution.

Notice of
action in
certain
cases

405. In case the city or the commissioners tender amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

Tender of
amends

EXECUTIONS AGAINST CITIES.

406. Any writ of execution against a city may be indorsed with the direction to the sheriff of the judicial district in which the city is to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Procedure
on writs of
execution
in sheriff's
hands

1. The sheriff shall deliver a copy of the writ and indorsement to the city clerk with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Copy
writ to be
delivered
to city clerk

Demands for
payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the city and shall in like manner as rates are struck for general city purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Execution
rate

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the city clerk and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the city had neglected to satisfy the same and referring to the roll annexed to the precept command the city treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Sheriff's
precept to
city clerk

4. At the time for levying the annual rates next after the receipt of such precept the city treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus

Levy of
special rate

the city of _____ as the case may be" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the city treasurer for the general purposes of the city;

**City
treasurer's
percentage**

6. In case the treasurer of any city against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per centum.

**City clerk,
treasurer
and assessor
officers
of court**

7. The city clerk, the treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

**Penalty to
be paid to
the city**

407. Any penalty or fine under any bylaw of the city shall if no other provision be made respecting it belong to the city for the public use of the same and form part of the general revenue of the city.

**Expenses of
imprison-
ment**

(2) In the event of any person being committed to gaol by reason of a breach of any bylaw of the city there shall be chargeable to such city such part of the expenses paid by Saskatchewan for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

PART VIII.

Penalties.

**Amount of
penalty, etc.**

408. The council may by any bylaw:

1. Impose a penalty not exceeding \$100 exclusive of costs for breach of any provision of any bylaw;

2. Enact that in case the conviction be for the nonpayment of any license fee payable to the city under the provisions of any bylaw of the city the convicting justice may adjudge payment thereof in addition to the penalty.

409. Any such penalty and license fee may unless other ^{Recovery} provision is specially made in respect thereof be recovered and enforced with costs by summary conviction before any police magistrate or justice of the peace having jurisdiction in the city and upon default of payment the person convicted may be committed to jail or to the guard room of the Royal North-West Mounted Police force or to any public lockup for any time determined by the said police magistrate or justice not exceeding thirty days and with or without hard labour unless such penalty, license fee and costs including the costs of the committal and of the conveyance of the person convicted to the said jail, guardroom or lockup are sooner paid.

PART IX.

Miscellaneous

GOVERNMENTAL COMMISSION OF INQUIRY.

410. In case one-third of the members of the council or one-fourth of the electors of the city petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the city the Lieutenant Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 12 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Inquiries concerning Public Matters*.

JUDICIAL COMMISSION OF INQUIRY.

411. In case the council pass a resolution requesting a ^{Inquiry by judge} judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the city or of any person having a contract therewith in relation to the duties or obligations of such person to the city or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 12 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Inquiries concerning Public Matters*; and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 253 hereof.

(3) The council requesting any such investigation may engage and pay counsel to represent the city therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the city; and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

Investigation by committee of the council

412. The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the city and the committee so appointed may summons such employee before it to answer the charge and shall have power to summons witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

Board of school trustees to furnish estimates of money to the council

(2) The boards of high school, public school and separate school trustees shall when applying to the council for the sums of money required for the maintenance of the said schools attach to such application an estimate shewing in detail the amounts required for the purposes of the said boards of school trustees respectively.

COMING INTO FORCE OF ACT.

Coming into force of Act

413. The Lieutenant Governor in Council may by proclamation published in *The Saskatchewan Gazette* provide the time and manner of the coming into force of this Act and of any part or parts thereof and the said Act or part or parts thereof mentioned in the said proclamation shall come into force at the time and manner set forth in said proclamation or proclamations if more than one.

✓ 1908

CHAPTER 17.

An Act respecting Towns.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

PRELIMINARY.

1. This Act may be cited as "*The Town Act*." Short title
2. In this Act unless the context otherwise requires: Interpreta-
tion
 1. "Elector" means a person entitled to vote at any town Elector
or school election;
 2. "Council" means the municipal council of a town; Council
 3. "Burgess" is an elector who is such in respect of freehold Burgess
property;
 4. "Owner" includes any person who has any right, title Owner
or estate whatever or interest other than that of a mere
occupant;
 5. "Occupant" means any person who occupies any land Occupant
under any title whatsoever;
 6. "Felony" means any indictable offence which since the Felony, etc.
passing of *The Criminal Code* is punishable with death or
imprisonment for a period of five years or over and "misde-
meanour" means any offence for which under the said code
the extreme penalty is imprisonment for a term less than five
years and not less than two years;
 7. "Income" means the profit or gain (whether ascertained am am page 627
and capable of computation as being wages, salary or other
fixed amount or unascertained as being fees or emoluments or
profits from a trade or commercial or financial or other
business or calling) directly or indirectly received by a person
from any office or employment or from any profession or
calling or from any trade, manufacture or business; and
includes the interest, dividends or profits directly or indirectly
received from money at interest upon any security or without
security or from stocks or from any other investment and also
profit or gain from any other source whatever;
 8. "Business" shall include any trade, profession, calling,
occupation or employment;

9. "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the town in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the town any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service;

Judge

10. "Judge" means a judge of the district court of the judicial district within which the town is situated and "court" or "district court" means the said district court;

Land

11. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same and:

- (a) Land covered with water;
- (b) Trees and underwood growing upon land;
- (c) Mines, minerals, gas, oil, salt, quarries and fossils in and under land; and
- (d) In case of special franchise, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water but not rolling stock of any railway or street railway;

Municipality and town

12. "Municipality," "town" or "town municipality" means and includes any town or town municipality now incorporated as such and also any town or town municipality hereafter incorporated under the provisions of any Act;

Person

13. "Person" includes a corporation or partnership;

Revised assessment roll

14. "Revised assessment roll" means the assessment roll of the town as finally adopted by the council;

Secretary treasurer

15. "Secretary Treasurer" means the secretary treasurer of the town and includes the secretary or treasurer;

Referred bylaw

16. "Referred bylaw" means a bylaw referred to the vote of the burgesses and assented to by them as provided in this Act;

Assessor

17. "Assessor" means the assessor of the town;

Revised voters' list

18. "Revised voters' list" means the voters' list of the town as finally revised by the council;

Municipal commissioner

19. "Municipal commissioner" means the municipal commissioner for the province.

20. "Hawker" or "pedler" means and includes any person ^{"Hawker"}_{"pedler"} who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the town to any person not being a wholesale or retail dealer in such goods, wares or merchandise but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail.

(2) Wherever the word "herein" is used in any section of ^{Herein} this Act it shall be understood to relate to the whole Act and not to that section only.

3. Where anything is required to be done on a day which ^{Computation}_{of time} falls on any holiday such thing may be done on the next juridical day; but nothing in this section contained shall extend or apply to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or councillors.

4. Where in this Act a certain date is fixed on or by which ^{Extension}_{of time} certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

5. Where forms are prescribed deviation therefrom not ^{Forms} affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.

6. Where power to make bylaws, regulations, rules or orders ^{Make}_{includes} is conferred it shall include the power to alter or revoke the ^{alter, etc.} same from time to time and to make others.

PART I.

Application of Act and Repeal of Certain Ordinances, Etc.

7. This Act shall apply to all towns or town municipalities ^{Application}_{of Act} now existing in the province and the same shall continue to exist as town municipalities and be subject to the provisions of this Act; and this Act shall also apply to all towns or town municipalities hereafter created or established within the province.

8. Every town in the province now or hereafter created ^{General}_{rights and} or established is hereby declared to be a body corporate and ^{obligations}_{of towns}

subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal with power to alter and modify the same at their pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or moveable for the use of the town and of becoming parties to any contracts or agreements in the management of the affairs of the town.

Corporate
name

(2) The name of the body corporate shall be "The Town of (naming the town)."

Repeal

Repealed see p 627

9. Upon the coming into force of this Act the Ordinances and Act hereinafter set forth in this section shall no longer apply to town municipalities; and the said Ordinances and Act shall on, from and after the coming into force of this Act stand repealed and the provisions of this Act shall be deemed provisions substituted for the Ordinances and Act so repealed. The following are the Ordinances and Act referred to:

- (a) *The Municipal Ordinance* being chapter 70 of *The Consolidated Ordinances 1898*;
- (b) Chapter 15 of the Ordinances of 1899;
- (c) Chapter 23 of the Ordinances of 1900;
- (d) *The Municipal Amendment Ordinance* being chapter 23 of the Ordinances of 1901;
- (e) Chapter 9 of the Ordinances of 1902;
- (f) Chapter 18 of the Ordinances of 1903 (first session);
- (g) Chapter 19 of the Ordinances of 1903 (first session);
- (h) Chapter 22 of the Ordinances of 1903 (second session);
- (i) Chapter 6 of the Ordinances 1904;
- (j) Chapter 33 of the Acts of 1906.

Provided however that no town municipality existing at the time of the coming into force of this Act shall by reason of anything contained in this Act or by reason of the repeal of the said Ordinances and Act be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, bylaw, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or

in force; and notwithstanding the repeal of the said Ordinances and Act such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said Ordinances and Act had not been repealed: and

Provided further that until a new council is elected under this Act the head and members of the council of such town municipalities respectively shall be deemed and taken for all purposes to be the head and members of the council of such town municipalities: and

Provided further that until altered under the authority of this Act all bylaws existing at the time of the coming into force of this Act in the said town municipalities respectively shall be deemed and taken for all purposes to be the bylaws of such town municipalities respectively: and

Provided further that the repeal of the said Ordinances and Act shall not be construed as depriving in any way any town municipality of its real or personal property or assets of any kind or of any part thereof; but on, from and after the coming into force of this Act all town municipalities shall have and possess the same rights therein and thereto as they had or possessed respectively immediately prior to such repeal taking effect: and

Provided further that nothing herein contained shall affect the legality of any proceedings begun, had or taken pursuant to any of the said Ordinances or Act; but such proceedings may be continued and concluded under the provisions of any of the said Ordinances or Act applicable thereto.

10. Whenever two-thirds of the inhabitants of any territory adjacent to a town desire annexation thereto and present a petition to the council to that effect the Lieutenant Governor in Council with the consent of the council of the town may by proclamation annex the said territory to and make it a part of the town; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Additions to town at instance of petitions

11. The Lieutenant Governor in Council may upon the request of the council of any town include within the town any territory adjacent thereto which from the proximity of streets or buildings or the probable future exigencies of the town it may be deemed desirable to include therein or to annex thereto; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Additions to town at instance of the council

12. For the purpose of defining boundaries of a town municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to The

Boundaries of townships and sections for the purpose of this Act

Dominion Lands Act being chapter 55 of *The Revised Statutes of Canada 1906* or pursuant to any Act or Acts which may be passed in amendment thereto or in substitution therefor shall be the boundaries either of townships or of sections:

Provided however that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of any Indian reserve shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

PART II.

Municipal Government.

Powers of
council

13. The powers of the said corporation shall be exercised by the council of the town.

Council a
continuing
body

(2) The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organisation of the council for the next year it may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

Term of
office of
mayor and
councillors

14. Subject to the provisions hereinafter contained respecting the term of office of the mayor and councillors elected at the first election after a village becomes a town, the term of office of the mayor shall be for one year and the term of office of the councillors shall be for two years and both the mayor and the councillors shall be elected by a general vote of the electors.

Persons
eligible for
council

(2) Upon the coming into force of this Act nothing in this section or elsewhere in this Act shall be construed as affecting the term of office of any member of any town council but all such members shall hold office until the expiration of the respective terms for which they were elected.

Persons
disqualified
for council

15. Every person shall be eligible for election as mayor or councillor who is a British subject by birth or by naturalisation, is a male of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is at the time of election the owner of freehold estate of the value of \$500 rated in his own name on the last revised assessment roll of the town:

Provided however that no judge of any court of civil jurisdiction, no sheriff, no gaoler or keeper of any house of correction, no constable, assessor, secretary treasurer, auditor or other paid official of the town, no bailiff, no inspector of

licenses, no person having by himself or his partner an interest in any contract with or on behalf of the town or being indebted to the town, no surety for any officer or employee of the town and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for five years or over shall be qualified to be a member of the council: and

Provided further that no person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement in any public newspaper or by reason of his being a shareholder in any incorporated company having dealings or contracts with the town or by his having a lease of twenty-one years or upwards of any property from the town; but no such leaseholder shall vote in the council on any question affecting any lease from the town and no such shareholder shall vote on any question affecting such company.

VACANCIES.

16. The mayor or any councillor may resign his seat in the council at any time by giving written notice to the secretary treasurer who shall bring the same to the notice of the council at its next meeting and the said resignation shall take effect and the seat shall become vacant upon the receipt of the said notice by the secretary treasurer.

17. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any insolvency Act in force in Saskatchewan or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three months without being authorised so to do by a resolution of the council entered upon its minutes his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

18. If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be made in the mode as nearly as may be as other elections under this Act and if the seat in the council of a councillor whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year then such vacancy may be filled by the election of an extra councillor at the next general election and the person obtaining the next highest number of votes after the regular number of councillors have been elected shall be the person to fill such vacancy and in such cases every elector shall be entitled to vote for one extra candidate

for each vacancy to be filled; and in case not more candidates are nominated than the number required to be elected the candidate last nominated shall be deemed to be elected to fill such vacancy.

**Compulsory
resignation**

19. In the event of a member of the council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as provided by law.

MEETINGS OF COUNCIL.

**First
meeting**

20. The first meeting of the council in each year shall be held on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

Quorum

21. A majority of the whole council shall be necessary to form a quorum.

**Conduct of
meetings**

22. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

MAYOR.

Duties

23. The mayor shall be the chief executive officer of the town and it shall be his duty to be vigilant and active in causing the laws governing the town to be duly executed, to inspect the conduct of all town officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the town.

**Appointment
of special
constables**

24. The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the town for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council; such special constable shall for the time being form a part of the police force of the town.

25. The mayor may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the council by a resolution otherwise determines. ^{Power of suspension}

26. The mayor shall preside at all meetings of the council; he shall preserve order and enforce the rules of the council and he shall sign (jointly with the treasurer) all the cheques issued by the town. ^{To preside, etc.}

27. The council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant shall have all the powers of the mayor during such inability or vacancy. ^{Deputy mayor}

28. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had. ^{Chairman}

29. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived. ^{Vote}

30. The mayor shall call special meetings of the council whenever requested in writing so to do by a majority of the council and all the members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. ^{Special meetings}

31. If so requested at any time by the written petition of twenty electors the mayor shall by a printed public notice conspicuously posted in at least ten places in the town call a public meeting of the electors for the discussion of the municipal affairs of the town or of any matters relating thereto. ^{Public meetings}

OFFICIALS.

32. The council may appoint a secretary, a treasurer or a secretary treasurer, an assessor, a town solicitor and one or more auditors and they may also appoint such other officers as ^{Council to appoint certain officials}

they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any bylaw of the town including a chief of police and all necessary police constables or officers.

(2) The same person may be appointed to more than one office.

Appointment
not to be by
tender

33. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or to applicants at the lowest remuneration.

Tenure of
office

34. All officers appointed by the council shall hold office during the pleasure of the council or according to the terms expressed in the bylaw by which they are appointed; and in addition to the duties assigned to them by this Act or by the general law of Saskatchewan shall perform such other duties as may be required of them by the bylaws of the council.

Security

35. In addition to defining the duties of any officer the council may by bylaw require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council.

Character of

36. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the town.

Liability

37. Every officer, servant and agent of the town shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

Gratuities

38. A council may grant any officer who has been in the service of the town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

SECRETARY TREASURER.

Secretary
treasurer to
attend
meetings,
etc.

39. The secretary treasurer shall attend all meetings of the council and shall truly record in a book without note or

comment all resolutions, decisions and other proceedings of the council; and (if required by any member present) shall record the name and vote of every member voting on any matter submitted; he shall safely keep all the books, documents and records of the council and the originals (or duly certified copies) of all the bylaws thereof.

(2) The secretary treasurer shall within one month after entering on his duties furnish to the town security in a penal sum to be named by the council for the true and faithful performance of all the duties required of him by this Act and the said security shall be a guarantee bond of a guarantee company authorised to do business in the province. ^{Secretary treasurer to furnish bond}

40. In case the secretary treasurer is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapacity and during such period the person so appointed shall have all the powers of the secretary treasurer. ^{Absence}

41. Any elector may at all reasonable times inspect any account or demand, contract, bylaw, report of the commissioners or of any committee or of any official of the town (other than the city solicitor or any counsel engaged by the town) after the same respectively have been submitted to the council and also the voters' lists, poll books or other documents relating to any election or voting; and the secretary treasurer shall within a reasonable time after demand by any elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words. ^{Records open to inspection}

42. A copy of any such book, record, document or account certified under the hand of the secretary treasurer and the town seal shall be received in evidence without proof of the seal of the town or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders. ^{Copies of records}

43. The secretary treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the town from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the bylaws of the council. ^{Moneys}

44. The secretary treasurer shall daily or as often as the council may direct deposit in the name of the town in some chartered bank designated by resolution of the council all moneys received by him in excess of one hundred dollars; and he shall (jointly with the mayor) sign all necessary cheques. ^{Deposits and cheques}

Books to be
kept by
secretary
treasurer

45. The secretary treasurer shall keep and make use of such books of record and account as the municipal commissioner shall from time to time require him to keep and use.

Half yearly
statement

46. The treasurer shall also prepare and submit to the council half yearly a correct statement of the moneys at the credit of the town.

Search fee

~ 1909/181
47. The treasurer shall collect a fee of ten cents per lot for every search made in the assessment or tax rolls, *which fee shall form part of the general revenue of the town*

SOLICITOR.

Appointment

48. The town solicitor shall be a member of the Law Society of Saskatchewan and the council may determine his duties and the terms and period of his employment.

Remunera-
tion

49. In case the remuneration of the town solicitor is to be paid wholly or partly by salary the town shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the town is a party; provided such costs are by the terms of the engagement of the town solicitor payable to him as part of his remuneration in addition to his salary.

AUDIT.

Appointment
of auditors

Councillor

50. The council shall at its first meeting in each year or within two months thereafter appoint one or more auditors but no one who then or during the preceding year is or was a member of the council or is or was secretary treasurer or who has or had during the preceding year directly or indirectly alone or with any other person a share or interest in any contract or employment with or on behalf of the town (except as auditor) shall be so appointed:

Provided that an incorporated company or a partnership may be appointed as auditor.

Audit

51. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the town or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same.

(2) The auditor shall on every occasion write a special report respecting all expenditures made contrary to law, bylaw or resolution and shall deliver the said report to the mayor who shall lay the same before the council at its next meeting.

52. The council may by bylaw provide that the auditor or ^{Audit before payment} auditors shall audit all accounts before they are paid.

53. On or before the fifteenth day of November in each ^{Auditor's abstract} year the auditor or auditors shall prepare in such form as the municipal commissioner may direct and on or before the first day of December the secretary treasurer shall cause to be printed in such quantity as the municipal commissioner shall direct an abstract of the receipts, expenditures, assets and liabilities of the town up to the preceding thirty first day of October including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining on hand.

^{\$3(a) 1909 p 181 \$3(b) 1909 p 182}
54. Any elector may inspect the said abstracts and reports ^{Inspections} or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

OATHS OF OFFICE.

55. Every member of the council, the secretary treasurer, ^{Officials, etc.} the assessor, the town solicitor, town engineer and every other town officer who may by the terms of his appointment be required so to do shall before entering upon the duties of office make and subscribe a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), [or (*in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*)], that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of (*as the case may be*) to which I have been elected (*or appointed*) in this town, and that I have not received, and will not receive any payment or reward or promise thereof, for the exercise of any partiality or malversation or undue execution of the said office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said town, save and except that arising out of my office as (*naming the office*). So help me God.

56. Any person who has been elected or appointed to two ^{Holders of more than one office} or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

57. Every returning officer, poll clerk, constable or other ^{Returning officers, etc.} officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the effect following:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this town; and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.

Before
whom to be
taken

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58. When any oath or affirmation or declaration is required to be taken or made by a returning officer and no special provision is herein made therefor the same may be made and subscribed before the poll clerk or before any ^{commissioner for oaths} justice of the peace; and the returning officer or any justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

Auditor

59. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, A.B., having been appointed to the office of auditor for the town of _____ do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if reappointed) with, by or on behalf of the town, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year. So help me God.

Before
whom to be
taken

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60. The mayor and councillors and the other town officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace, or ^{commissioner for oaths}

Power to
administer
oath

61. The mayor, any justice of the peace or commissioner for oaths may administer any oath, affirmation or declaration relating to the business of the town except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

Deposit of
form of
oath

62. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the secretary treasurer who shall preserve it among the town records.

Absence of
mayor

63. The mayor or in his absence the presiding officer of the council or of any committee thereof may administer an

oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or any committee thereof.

POLICE.

64. The police force shall consist of a chief of police and ^{Constitution of police force} as many constables and other officers and assistants as may be deemed necessary from time to time.

65. The members of the police force shall be appointed ^{Members of force to be appointed by the council} by the council and shall hold office during pleasure and shall before entering upon their duties as members of such force take and subscribe the following oath:

I, A.B., do swear that I will well and truly serve his ^{Form of oath} Majesty the King in the office of chief of police (*or police constable as the case may be*) for the town of with no favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved and will prevent all offences against the person and properties of all persons and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.

66. The council shall from time to time make such regula- ^{Council to make regulation} tions as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

67. The constables shall obey all lawful directions of and ^{Duties of police constables} be subject to the orders of the chief of police and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

68. The persons who upon the coming into force of this ^{Existing appointments confirmed} Act are acting either as chief of police or police constable in any town in the province are hereby declared to have been lawfully appointed to such office and such persons are hereby further declared to be as subject to the government of the council of the town in which they are so acting as if they had been appointed to such office under the provisions of this Act.

69. Any member of the force may be dismissed ^{Dismissal or suspension from force} or suspended by the council; but before any member of the force is dismissed or suspended he shall have a right to be heard either in person or by attorney before the council.

70. The council shall from time to time fix the wages or ^{Council to fix remuneration} salaries to be paid to the chief and constables or men employed

PART III.

Municipal Elections.

First
election

71. The persons qualified to vote at the first election after a village becomes a town for mayor and councillors in any town shall be the men, unmarried women and widows of the full age of twenty-one years:

1. Whose names are on the last revised assessment roll of the village now comprised within the town; or

2. Whose names are on the last revised assessment roll of the rural municipality or local improvement district for that portion of the town not formerly comprised within the said village.

Person
eligible at
first election
as
candidates

72. For the purposes of the said first election in any town every person is eligible for election as mayor or councillor who is a British subject by birth or naturalisation, is a male of the full age of twenty-one years, is able to read and write is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is the owner at the time of nomination of a freehold estate within the town of the value of \$500 over and above all charges, liens and incumbrances affecting the same and is on the last revised assessment roll of the village now comprised within the town or on the last revised assessment roll of the rural municipality for that portion of the town not formerly comprised within the village.

Who may
nominate
candidates

73. Only persons qualified to vote for candidates shall be qualified to nominate candidates for the office of mayor or councillor.

Term of
office
of mayor

74. The term of office of the mayor at the said first election shall if such election be prior to the first day of July be to the end of the then current calendar year and if such election be not prior to the first day of July then until the end of the next ensuing calendar year.

Term of
office of
councillors

75. The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July; and the remaining three candidates so nominated or elected shall be declared elected for the term ending with the then calendar year or the next following calendar year according as such election is held prior or not prior to the first day of July, and thereafter $\frac{1}{2}$ the required number of Councillors shall be elected annually and shall hold office for two years unless otherwise provided

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(2) The returning officer for the said first election shall be the secretary treasurer for the town.

76. In the event of an election being held after the said first election but before the preparation and revision of a voters' list the provisions of this Act including the qualification of voters and candidates shall apply. Special election before preparation of voters' list

77. For the purposes of the said first election the secretary treasurer of the said rural municipality or local improvement district and the proper officer of the village shall respectively two days prior to nomination day furnish the returning officer with a list of all the ratepayers and persons on the last revised assessment rolls of the said municipality, local improvement district and village for that part of the town formerly included in them or any of them. Names to be furnished the secretary treasurer

VOTERS' LISTS.

78. The persons qualified to vote at elections shall be the men, unmarried women and widows of the full age of 21 years whose names appear upon the last revised voters' lists of the town: Qualifications of voters

Provided always that a town may by bylaw declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such town either for the current year or all arrears of taxes or both. Proviso as to nonpayment of taxes

(2) In towns which have passed a bylaw under the provisions of the proviso to subsection (1) of this section on or before the day of nomination of candidates the secretary treasurer shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such bylaw, such list to be called "the defaulters' list." Defaulters' list

(3) Any person named in such defaulters' list may vote if at the time of tendering his vote he produces and leaves with the officer holding such election a certificate from the secretary treasurer of the town showing that the taxes in respect of which default has been made have been paid; and such officer shall file such certificate, receive the vote and note the same on the defaulters' list.

79. The secretary treasurer shall on or before the first day of September in each year prepare a voters' list in alphabetical form and shall place thereon the names of all men, unmarried women and widows of the full age of twenty-one years who are assessed upon the last revised assessment roll for \$200 or upwards; and also the names of the husbands if of the full age of 21 years of married women who are assessed upon the last revised assessment roll for \$200 and upwards and who Preparation of list

authorise in writing their husband's name to be placed upon the list and the names of all persons whose names appear on the householder's tax list hereinafter provided for; and the assessor shall cause such voters' list to be printed, type written or written with the next following four sections hereof prefixed thereto; a copy thereof shall be posted up in the office of the secretary treasurer on or before the fifteenth day of September.

**Additions
to list**

80. Any person who has been resident in the town in the then current year prior to the first day of July and continuously and who is otherwise duly qualified but whose name or whose wife's name is put down in error or whose name or whose wife's name has been omitted from the last revised assessment roll may either by himself or his agent apply to have the voters' list amended upon giving the secretary treasurer a notice in the following form:

To the secretary treasurer of the town of

Take notice that I intend to apply to the council to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

(*Signature of applicant*)

Applicant.

or

(*Name of applicant*)

Applicant by his agent.

**Removals
from and
substitutions
on
list**

81. If any person who was qualified as a voter on income has left the town or if before the first day of October in the then current year a person (or in case of a married man his wife) has disposed of the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter and any elector may apply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person, if any, substituted therefor; the person so applying shall give six clear days' notice in writing to the secretary treasurer of his intention to apply to the council for that purpose as provided in the next preceding section.

Notice

82. Notice served upon the secretary treasurer under the three next preceding sections shall be served on or before the first day of November.

**List of
applicants**

83. On or before the fifth day of November the secretary treasurer shall make a list of all applicants for amendments to the voters' list stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

84. On or before the fifteenth day of November in each year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the secretary treasurer as hereinbefore provided; and the secretary treasurer shall thereupon amend the voters' list in all cases provided for by sections 80 and 81 inclusive hereof as may be right; and the list so amended shall be the voters' list of the town for the ensuing year or until a new voters' list has been finally revised.

Court of
revision

85. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting as a final court of revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Act upon the council in relation to the assessment roll.

ELECTIONS, GENERAL PROVISIONS.

86. The council shall at least one week prior to the last Monday in November in each year by bylaw appoint a returning officer for the next town elections and name the place or places therein where the votes are to be polled.

Returning
officer, etc.

87. The secretary treasurer shall at least one week prior to the last Monday in November in each year cause to be posted up in at least five conspicuous places in the town a notice of the annual meeting of the electors in the following form:

Annual
meetings of
electors

NOTICE.

Public notice is hereby given that a meeting of the electors of the town of _____ will be held (*description of place*) on Monday, the (*here fill in the date on which the last Monday in November falls*) day of November, 19____, at eight o'clock p.m., for the purpose of receiving the auditor's interim statement of the finances of the town for that portion of the year ending on the thirty-first day of October and for the purpose of receiving the reports of the chairmen of the various committees of the council.

Dated at _____ this _____ day of _____ 19____.

.....
Secretary Treasurer

88. At the time and place set out in the notice mentioned in the next preceding section the mayor, secretary treasurer, auditor, the chairmen of the various committees shall attend and submit to the meeting their respective reports for that portion of the current year ending the thirty-first day of October.

Mayor, etc.,
to attend
and submit
reports

(2) The municipal commissioner may from time to time prescribe forms for the foregoing reports.

Notice of nomination

89. The returning officer shall at least six days previous to the first Monday in December post up in five conspicuous places in the town a notice in the following form:

NOTICE.

Town of

Municipal Elections 19 .

Public notice is hereby given that a meeting of the electors of the town of will be held (*description of place*) on Monday, the day of December, 19 (*here fill in the date on which the first Monday in December falls*) from eleven o'clock in the forenoon until noon, for the purpose of nominating candidates for the offices of mayor and councillors for the next ensuing year.

Given under my hand at this day of 19 .

*G.H.,
Returning Officer.*

Nominations

90. At the time and place named in the notice provided for in the next preceding section the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nominations of any duly qualified person to serve as mayor or councillor of the town and the meeting shall remain open until noon when if the number of persons nominated to serve as mayor and councillors does not exceed the requisite number the returning officer shall declare the persons so nominated duly elected.

Consent to nomination

91. Every nomination for mayor or councillor shall be accompanied by a written consent from the person named in such nomination to accept the office if elected and a written statement that he is eligible to be elected for such office.

Poll

92. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time which shall be on the same day of the week as the nomination but in the next following week, the place or places where the votes are to be polled and also the time and place at which the result of the polling will be declared.

Notice of posting

93. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least five conspicuous places within the town a notice to the following effect:

NOTICE.

Town of

Municipal Elections 19 .

Public notice is hereby given that a poll has been granted for the election of mayor and councillors of the town of

for the year 19 and that the polling will take place on (*here insert date of polling*) the day of 19 from nine o'clock in the forenoon until five o'clock in the afternoon at the following place or places (*here specify polling place or places*), and that I will at (*describe the place*) on (*day of week*), the day of 19 , at o'clock in the forenoon, sum up the votes and declare the result of the election.

Given under my hand at
day of

this

19 .

G.H.,
Returning Officer

94. Any candidate nominated may withdraw at any time ^{Withdrawal of candidate} within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed by himself in the presence of the returning officer, a justice of the peace, commissioner for oaths or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

95. If by reason of any such withdrawal or withdrawals ^{Abandonment of poll} the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the returning officer shall return as duly elected the candidate or candidates without waiting for the day fixed for the holding of the poll and the polling for such office shall not take place; and the returning officer shall forthwith post up in three conspicuous places in the town a notice to the following effect:

NOTICE.

Town of Municipal Elections 19 .
Whereas, nominated for the office of
 (*as the case may be*) has with-
drawn his (*or their*) candidature for the said office, leaving
 the only candidate (*or candidates*) therefor,
I hereby give notice that no voting for the said office (*or*
offices) will take place on the day of (*date of polling*).
Dated at this day of 19 .

G.H.,
Returning Officer.

96. In case of a poll at a town election the vote shall be ^{Vote by ballot} given by ballot.

97. Where a poll is required the secretary treasurer ^{Ballot boxes} shall provide as many ballot boxes as are required.

98. The ballot boxes shall be made of some durable ^{Their construction} material, shall be provided with a lock and key and shall be

so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

Their
distribution

99. When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the secretary treasurer to deliver the same to the returning officer for the purposes of the election.

Printed
ballots

100. Where a poll is required the returning officer shall forthwith cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of the election.

(2) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname in the order of their names.

Their
contents

101. The names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for councillors.

102. The ballot papers shall be in the following forms:

FORM FOR MAYOR.

MAYOR	Election of Mayor for the Town of for 19....	ALLAN. CHARLES ALLAN, of the town of Merchant.
		BROWN. WILLIAM BROWN, of the town of Banker.

FORM FOR COUNCILLORS.

COUNCILLORS.	Election of Councillors for the Town of for 19....	ARGO. JAMES ARGO, of the town of Gentleman.
		BAKER. SAMUEL BAKER, of the town of Baker.
		DUNCAN. ROBERT DUNCAN, of the town of Printer.

103. The returning officer shall before the opening of the poll prepare such number of printed directions for the guidance of voters in voting as he may deem sufficient. ^{Directions for voters}

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter does not vote for the full number of candidates for any office that he is entitled to vote for his ballot paper will be void so far as relates to that office and will not be counted for any of the candidates for said office.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following forms of ballot paper given for illustration the candidates for mayor Jacob Thompson and Robert Walker, for councillors John Bull and Morgan Jones and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for alderman.

MAYOR.	Election of mayor for the town of . for 19 .	THOMPSON. JACOB THOMPSON, of the town of Merchant.	X
		WALKER. ROBERT WALKER, of the town of Physician.	
COUNCILLIORS.	Election of councillors of the town of for 19 .	BULL. JOHN BULL, of the town of Butcher.	X
		JONES. MORGAN JONES, of the town of Grocer.	

Posting
up of
directions

104. Every returning officer shall before the opening of the poll cause the said printed directions to be placarded outside the polling place and also in every voting compartment of the polling place and shall see that they remain so placarded until the close of the polling.

Voting
compartment
ments

105. Every polling place shall be furnished with a compartment or compartments in which the voters can mark their votes screened from observation and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is provided at each polling place.

106. The poll book shall be in the following form:

REMARKS		
Refusal to Swear		
Sworn		
Objected to		
VOTED FOR	School trustee	
	Councillors	
	Mayor	
Occupation		
Residence		
Qualification		
NAME		

ELECTIONS, PROCEDURE.

107. In the following sections 108 to 167 both inclusive the returning officer acting as such at any polling place at the municipal election is referred to as "the officer presiding at the poll." ^{Interpretation}

108. The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint a poll clerk who in the absence of the returning officer or in case of his illness or inability to fulfil the duties required of him by this Act shall have the powers of the officer by whom he was appointed. ^{Poll clerks}

(2) The returning officer may also appoint a constable to maintain order at the polling place or he may summon to his ^{Constables}

assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

Oath

109. Every returning officer, poll clerk, constable, candidate or agent authorised to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the secretary treasurer or (in the case of a poll clerk or constable or agent) before the returning officer at whose polling place he is appointed to act an oath in form following:

I, *A.B.*, do swear that I will not at the election to be held in the town of _____ on the _____ day of _____

_____ 19 attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

Duration of poll

110. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day (mountain standard time).

Agents

111. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognised as such by the said officer.

One vote for mayor

112. Every elector may vote once only for a mayor.

One vote for councillors

113. Every elector may vote once only for councillors.

Penalty

114. Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50.

Evidence of voting

115. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

Exhibition of ballot box

116. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened

without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

117. Where a person claiming to be entitled to vote ^{Procedure in voting} presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows:

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list;

2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and occupation of such person;

3. When the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate;

4. If any candidate or his agent demands that the voter be sworn the returning officer shall administer to him the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named by the name of*) in the voters' list now shown to you (*showing the list to the voter*);

That you have not voted before at this election;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other services connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election;

So help you God;

5. If the voter takes the said oath the officer presiding at the poll shall receive the vote and shall enter or cause to be entered opposite such person's name in the proper column of the said poll book the word "sworn" or "affirmed," according to the fact;

6. Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter or cause to be entered opposite the

name of such voter in the proper column of the poll book the words "refused to swear" or "refused to affirm" according to the fact and the vote of such person shall not be taken or received; and if the deputy returning officer or assistant deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100;

7. When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper;

8. Except in the case mentioned in clause 6 the ballot papers shall then be delivered to the voter.

**Explanation
to voter**

118. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

**Breach of
duty by
presiding
officer**

119. Every returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by clause 7 of section 117 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the returning officer has not signed his initials as aforesaid.

**Initialling
poll book**

120. The officer presiding at the poll shall place in the columns of the poll book headed "mayor," "councillor" and "school trustees," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor, councillors or school trustees, as the case may be.

**Marking
of ballot**

121. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 103 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate; he shall then fold the ballot paper across so as to conceal the names of the candidate and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without delay and without showing the front to anyone or so

displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so folded to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

122. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper. ^{Secrecy of vote}

123. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same. ^{Ballot received but not used}

124. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read or where the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 121 hereof the proceedings shall be as follows: ^{Inability, etc., to mark ballot}

1. The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;

2. The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked;

3. The declaration aforesaid may be in the following form:

I, A.B., of _____, being named _____ on the voters' lists for the town of _____ and being a duly

qualified elector of the said town of _____, do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, *as the case may be*).

A.B. his (X) mark.

Dated this _____ day of _____ 19 ____;

4. In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form:

I, C.D., the undersigned, being the returning officer of the town of _____, do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above named A.B., was signed by him in my presence with his mark (*or in the case of one who objects on religious grounds to mark a ballot paper was orally made before me*).

(Signed) C.D.,
Returning Officer.

Dated this _____ day of _____ 19 ____.

Ballot
spoiled
before
voting

125. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 142.

Persons
entitled to
be in
polling place

126. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorised to attend at the polling place and the voter who is for the time being actually engaged in voting.

Procedure
on close of
poll

127. In every polling place the officer presiding at the poll shall immediately after the closing of the poll in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed to count the votes as follows: he shall examine the ballot papers and any ballot paper which has not on its back his initials or on which more votes are given than the elector is entitled to give or on which there are not the full number of votes the elector is entitled to give or on which anything

except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted.

128. The officer presiding at the poll shall take a note of any objection made by a candidate or his agent or any elector authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection. Objections to be noted

129. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll. Ballot to be numbered and initialed

130. The officer presiding at the poll shall indorse "rejected" on any ballot paper which he rejects as invalid and shall indorse "rejection objected to" if any objection is made to his decision. Ballot to be indorsed

131. The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) Name of the town and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

132. Upon the completion of the written statement it shall be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement. Signed statement

133. Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes. Agents at count

134. Every officer presiding at a poll upon being requested so to do shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given for each candidate and of the number of rejected ballot papers. Certificate of count

135. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted and shall at the completion of the counting of votes in the presence of Certificate on poll book and sealing up of packages

the candidates or agents of the candidates make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding and of the town:

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 124 hereof with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box; and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

I, *C.D.*, returning officer for the town of _____, do solemnly declare (or if he is a person permitted by law to affirm do solemnly affirm) that to the best of my knowledge the annexed copies of the voters' list and poll book used at this election held on the _____ day of December, 19____, were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

Signed *C.D.*,
Returning Officer.

Declared or affirmed before me at _____ this _____ day of 19____.

(Signed) _____ *K.Y.*
Justice of the Peace (or Poll Clerk as the case may be).

Oath on
return

136. The packets shall be accompanied by a statement made by the returning officer showing the number of ballot papers entrusted to him and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) spoiled, (5) ballot papers given to voters who afterwards returned the same declining to vote, and (6) ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account."

Inspection
of poll
book, etc.

(2) Such voters' lists, poll book, packets, ballot boxes and declaration shall forthwith be returned to the secretary treasurer and the same may be inspected at any time by any elector in the presence of the secretary treasurer.

137. The returning officer immediately after he has made the declaration mentioned in section 135 hereof shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate. Ballot paper account

138. In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer whether other wise qualified or not shall at the time when he declares the result of the poll give a casting vote so as to decide the election. Summary by returning officer of result
Casting vote

139. Except in such case no returning officer shall vote at any election. And no other

140. All poll clerks and constables shall if otherwise qualified be entitled to vote. Other officials not disqualified

141. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly. Assumption of office

142. Forthwith after the election the returning officer shall deliver to the secretary treasurer the ballot boxes, packets and returns aforesaid; and the secretary treasurer shall thereafter be responsible for their safe keeping and for their delivery when required. Return by returning officer to secretary treasurer

143. The secretary treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary treasurer among the records of the town. Destruction of ballots

144. No person shall be allowed to inspect any ballot papers in the custody of the secretary treasurer except under order of a judge to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary treasurer. Inspection

145. The order shall state the time and place for inspecting such papers and shall name the persons to be Order for

present at such inspection and shall be made subject to such conditions as the judge thinks expedient.

Recount

146. In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the secretary treasurer it is on the affidavit of a credible person made to appear to a judge that the returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the votes.

Deposit

147. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge.

Attendance

148. The judge, the secretary treasurer and each candidate and his agent notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of the votes.

**Procedure
opening of
packets**

149. The secretary treasurer shall attend with the ballot boxes at the time and place appointed and the judge shall proceed to recount all the ballot papers received by the secretary treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing:

- (a) The used ballot papers which have not been objected to and have been counted;
- (b) The ballot papers which have been objected to but which have been counted by the returning officer;
- (c) The rejected ballot papers;
- (d) The spoiled ballot papers;
- (e) The unused ballot papers;

in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Time

150. The judge shall as far as practicable proceed continuously with the recount of the votes allowing only time for refreshment, excluding only Sundays and on other days excluding only except so far as he and the parties aforesaid agree the hours between six o'clock in the evening and nine o'clock on the succeeding morning; during the excluded time

the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

151. The judge shall proceed to recount the votes as follows: Mode of counting

1. He shall examine the ballot papers;
2. Any ballot paper on which votes are given for more candidates than are to be elected for the office in question or on which there are not the full amount of votes the elector is entitled to give or on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted; but no word or mark written or made or omitted to be written or made by the returning officer on a ballot paper shall affect the vote;
3. The judge shall take a note of any objection made by a candidate or by his agent to any ballot paper and shall decide any questions arising out of the objection; and the decision of the judge shall be final;
4. The judge shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:
 - (a) Names of the candidates;
 - (b) Number of votes for each candidate;
 - (c) Ballot papers wanting initials of returning officer;
 - (d) Ballot papers rejected as marked for more or less candidates than were to be elected;
 - (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
 - (f) Ballot papers rejected as unmarked or void for uncertainty;
5. Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary treasurer who shall thereupon by notice to be posted in his office declare elected the

candidate having the highest number of votes; and in case of an equality of votes the secretary treasurer shall have the casting vote;

6. Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

Costs

152. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

(2) The costs shall be on the district court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the nonpayment thereof.

Penalties

153. No person shall:

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
- (e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies; or

(f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable on summary conviction before a justice of the peace if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labour.

154. Every returning officer or poll clerk who is guilty of **Penalties** any wilful misfeasance or any wilful act or omission in contravention of sections 108 to 161 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

155. Every officer, clerk and agent in attendance at a **Penalties** polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

Secrecy of
vote

156. No person who has voted at an election shall be required to state for whom he has voted in any legal proceedings to question the election or returns or otherwise relating thereto.

157. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend; but no candidate shall be present at the marking of a ballot for a voter under section 124 hereof.

Candidates
and agents

158. When in the sections of this Act relating to elections of mayor or councillors expressions are used requiring or authorising any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expressions shall be deemed to refer to the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the nonattendance of any agent at such time and place shall not invalidate it.

Errors not
affecting
result

159. No election shall be declared invalid by reason of noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

Expenses

160. All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the town upon the production to him of proper accounts verified in such manner as the council may direct.

161. The secretary treasurer shall prior to every election or the voting upon any bylaw furnish the returning officer with at least two copies of sections 3 and 4 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

SCHOOL TRUSTEES.

Notice from
school
boards

162. The boards of high school, public school and separate school trustees of the town shall give notice to the secretary

treasurer on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the school boards complete.

163. When notice has been given to the secretary treasurer as provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and councillors. ^{Nomination and election}

164. All the provisions in this Act contained respecting the election and qualification of councillors and the qualifications of electors and the voting at elections shall *mutatis mutandis* apply to the election of school trustees. ^{Same procedure as councillors}

165. In the lists of qualified voters to be delivered to the returning officer by the secretary treasurer before the opening of the poll the secretary treasurer shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "SSS"; and no returning officer shall deliver to any such person a ballot paper for the public school trustees. ^{Separate school supporters}

166. In case any objection is made to the right of any person to vote at any election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to to take the oaths required by section 117 hereof. ^{Oath}

167. Separate sets of ballot papers shall be prepared by the returning officer at each election for the trustees of each of the high, public and separate schools containing the names of the candidates nominated for school trustees in the same form as those used for the election of councillors except that the words "high (or public or separate) school trustee" shall be substituted for the word "councillor" thereon. ^{Form of ballot}

PART IV.

Powers and Duties of the Council.

168. The jurisdiction of the council shall be confined to the limits of the town except where authority beyond the same is expressly given by this or any other Act. ^{Local extent}

169. The council of every town may pass bylaws for:

1. Raising of its revenues by assessment on (a) lands, (b) businesses, (c) income, and (d) special franchises; ^{Raising revenue}

- Temporary loans** 2. Authorising the mayor to borrow such sum of money as may be required to meet the expenditure of the town until such times as the taxes levied therein can be collected but such amount shall not exceed three-quarters of the estimated amount of taxes of the town for the then current year;
- Exemption from taxation** 3. Exemption from taxation for the then current year;
- Compromising taxes** 4. Compromising upon such terms as may be agreed upon for the payment of arrears of taxes;
5. Compelling the payment of taxes before voting;
6. The prevention of cruelty to animals not inconsistent with any public statute or Act;
- Agricultural societies** 7. Granting aid to agricultural societies or to boards of trade or incorporated mechanics' and literary institutes;
- Poor relief** 8. The relief of the poor;
- Police** 9. Appointing policemen, a license inspector and regulating and defining their duties and their remuneration;
- Public health** 10. Providing for the health of the town and against the spreading of contagious or infectious diseases and appointing and defining the duties of a health officer;
- Scavengers** 11. The making of provisions for the proper scavenging of the town and licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers;
- Planting trees** 12. Providing for planting and protecting trees on highways and other public places;
- Census** 13. Taking the census of the town;
- Appointing officials** 14. Appointing such officials under such names as the council may deem necessary for the carrying out of the work of the town, defining their duties and providing for their remuneration;
- Expropriating land** 15. Acquiring so much real property as may be required for highways, roads, streets, bridges, alleys and byways in the town and for parks and acquiring any real property for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the town as in the opinion of the council injuriously affect or endanger property within the limits of the town making due compensation therefor to the parties entitled thereto;
- Public works** 16. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys, byways and culverts;
- Public buildings** 17. The erection of halls, lockups, weigh houses, markets and such buildings as may be beneficial to the municipality and to expropriate lands therefor;
- Public markets** 18. The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets;
- Selling on streets**

19. Establishing town scales for weighing or measuring ^{Public scales} and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement and establishing or regulating the fees to be paid for weighing and measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser and prohibiting the owners of private scales from charging fees for the use of the same when such town scales are in operation;

(20) ~~acquiring, establishing, operating, maintaining, and controlling parks, making parks and controlling parks, and acquiring, controlling, erecting, or establishing parks, parks~~ ^{Acquiring, establishing, operating, maintaining, and controlling parks, making parks and controlling parks, and acquiring, controlling, erecting, or establishing parks, parks} *Repealed Dec. 1908-9 p 153*

21. Installing, maintaining and operating any ferry where ^{Ferries} soever situated under the provisions of *The Public Works Act*;

22. Regulating and controlling the use of wells and other ^{Public wells} sources of supply of water for the town and making provision for a supply of water for the town and regulating the use and rates to be paid for same and preventing the putting of anything prejudicial to health in any stream or any body of water for use within the town;

23. Regulating the size and structure and number and ^{Regulating public buildings} construction of doors in churches, theatres and halls or other places of public meeting or places of amusement and the street gates leading thereto and also the size and structure of stairs and stair railings in all such buildings and the strength of beams and joists and other supports, the method of lighting the same and the provisions of stand pipes and other fire appliances in all such buildings;

24. Preventing the obstruction of the halls, aisles, ^{Preventing obstructions in aisles, etc.} passage ways, alleys or approaches in any church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage;

25. Providing for and regulating the construction and ^{Regulating fire escapes} maintenance upon all buildings more than two storeys in height of a sufficient number of proper ladders, fire balconies and fire escapes;

26. Regulating the size and strength of walls, beams, ^{Regulating walls, etc.} joists, rafters, roofs and other supports in all buildings within the town;

27. Constructing and controlling such sewers, drains and ^{Constructing sewers, etc.} ditches either within or without the bounds of the town as may be expedient to secure the proper drainage of the town and the disposal of the sewage thereof;

28. Building and repairing sidewalks, preventing the ^{Building sidewalks, etc.} leading, riding and driving of cattle or horses on sidewalks;

29. Making provision for the carrying out of any provincial law regulating the speed of motor vehicles on highways; ^{Motor vehicles}

30. Controlling or preventing the riding of bicycles or ^{Bicycles} tricycles on any sidewalk;

Clearing
snow, etc.
by residents

31. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;

By non-
residents

32. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant charging the same against the property as a special assessment to be recovered in like manner as and with other taxes;

Quarries,
etc.

33. Purchasing, contracting and working any quarry, gravel or sand pit wherever situated for the purpose of the town;

Assize of
bread

34. Fixing the quality and weight of bread offered for sale or sold within the town and prescribing the marks which it should bear and making and enforcing regulations for the sanitary conditions of bread, bake houses and bakeries;

Regulating
food
products

35. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale;

Imposing
penalties

36. Imposing penalties for light weight, short measurement and restraining or preventing selling on the street;

Authorising
construction
of
gasworks,
etc.

37. Granting any special franchise subject to such regulations as the council may make and subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon as hereinafter provided but no such special franchise shall be granted for a longer period than ten years;

Electric
and other
works

38. Building, erecting, buying or leasing, controlling and operating any electric light, heat or power plant, gas and waterworks plant or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon:

(a) For all purposes connected with the carrying on of any of the above works the town is hereby authorised to acquire any lands either within or without the town and to enter into any contract necessary for the proper carrying on of said businesses and generally to conduct said works and businesses arising in connection therewith either by the council or by commissioners or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business;

(b) In case the town engage in any of the businesses heretofore referred to the council shall have power to appoint by bylaw commissioners for the purpose of carrying on such businesses or any of

them and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners who shall be called "electric light commissioners," or as the case may be, and by that name shall have all the powers for properly carrying on the business which are herein granted to the town;

39. Authorising the mayor and secretary treasurer to sign any contract with any person or corporation to supply light, power or water for the use of the corporation for any period not exceeding twenty years subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon; Contracts for light or water
40. Purchasing or otherwise acquiring and holding any lands situated within or without the limits of the town which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of the town; Purchase of nuisance ground
41. Compelling the removal of dirt, filth, dust or rubbish off the roads, lanes or any other places within the town by the party depositing the same and the placing of the same where ordered by the council either within or without the town; Removal of rubbish
42. Regulating and controlling the use of nuisance grounds owned or controlled by the town; Control of nuisance ground
43. Preventing and controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness; Controlling privies, etc.
44. Preventing and compelling the abatement of nuisances generally; Abatement of nuisances
45. Preventing and controlling the erection and use of slaughter houses within the bounds of the town; Slaughter houses
46. Inspecting and regulating slaughter houses, dairies and all other places outside the area of the town from or through which food is brought for sale within the bounds of the town and framing and enforcing building and sanitary regulations for the said slaughter houses; Outside the town
47. Preventing and controlling the storage of gunpowder and other combustible, explosive or dangerous materials within the bounds of the town; Storage of explosives
48. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property; Removal of obstructions
49. Appointing street and building inspectors and providing their duties and for providing for the summary removal of any pole or wire or other obstruction from the Building inspectors

street or for the pulling down or removal or closing to the use of the public of any building or other erection within the town which shall be deemed dangerous by such inspectors;

Naming streets, etc.

50. Naming or numbering the streets or avenues and changing the name and numbers or any of them of streets and avenues now existing or hereafter laid out within the town;

Regulating speed of vehicles

51. Regulating the rate or pace of riding or driving any vehicle within the town;

Preventing incumbering of streets

52. Preventing the incumbering of the streets and other public places by vehicles and other articles;

Controlling bill boards

53. Preventing and controlling the erection and use of billboards for advertising purposes whether the notices be printed or otherwise displayed;

Billposters

54. Regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed and for preventing the defacing of private or other property by printed or other notices;

Licensing hawkers

55. Licensing, regulating and governing hawkers and pedlers; but a municipal license shall not be granted unless the applicant is the holder of a provincial license for hawkers and pedlers;

Licensing horse dealers

56. Licensing and regulating all persons carrying on business as sellers of horses and mules within the town or bringing horses and mules within the town for the purpose of selling or offering the same for sale;

Dog tax

57. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Licensing billiard tables

58. Licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table in a place of public entertainment whether such table be used or not and for fixing the sum to be paid for a license for each such table and the time such license shall be in force;

Licensing shows, etc.

59. Preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans and for requiring the payment of license fees for authorising the same not exceeding \$500 per day and for imposing fines on persons for infringing such bylaws to the amount of \$50 over and above the amount of the license fee; and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for six months;

Licensing places of amusement

60. Preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses, bowling alleys and other places of amusement;

61. Controlling, regulating and licensing livery, feed and sale stables, telegraph companies, telegraph offices, insurance companies, offices and agents, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks and all other businesses, industries or callings carried on or to be carried on within the municipality or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the town and collecting license for the same; Licensing businesses, etc.

62. Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, omnibus drivers and all persons performing work with horses or mules within the town for hire and regulating the same and fixing a schedule of fees to be charged by the same; Licensing porters, etc.

63. Exemption from taxation for a longer period than one year subject to ratification by two-thirds of the burgesses voting thereon as hereinafter provided; but this clause shall not apply to any railway company; Exemption from taxation

64. Making loans or granting bonuses to manufactories, mills or any works of a public nature subject to ratification by two-thirds of the burgesses voting thereon as hereinafter provided; Bonusing manufactories

65. Building, owning or operating grist mills, elevators and manufacturing establishments, subscribing for stock therein subject to ratification by two-thirds of the burgesses voting thereon as hereinafter provided; Operating industries

66. Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration and prescribing their duties; Fire department

67. Providing protection from fire by the purchase of engines and equipment and authorising the building of fire walls and granting bonuses for the same; Fire protection

68. Compelling the inhabitants to assist and aid in the extinguishing of fires, pulling down and razing buildings and removing property in the vicinity of fires for the purpose of preventing the spreading of the same; and providing compensation for loss or damage sustained by reason of said pulling down, razing or removal; Compelling assistance in putting out fire, razing buildings

Provided that in all cases where a building is razed by the order of anyone acting under the authority of the council the council shall in all cases compensate the owner for the amount of insurance which the owner would have been entitled to had the building been burned;

Regulating
erection of
wooden
buildings,
etc.

Chimneys

Removal of
unauthor-
ised
buildings
Prevention
of fires

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Destruction
of noxious
weeds

Hospitals

Licensing
pawnshops

Regulating
railways

69. Regulating the erection and repair of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the town and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within the defined areas of the town and regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the same and authorising the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any bylaw;

69(a) Prohibiting erection of certain buildings
70. Generally establishing such measures as the safety and welfare of the town may require for the prevention and extinguishment of fires; notwithstanding anything contained in section 398 hereof;

71. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year;

72. Prohibiting the discharge of firearms or explosives in the town;

73. Taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities provided that the amount of any such guarantee together with the debenture indebtedness of the town shall not exceed the amount fixed by section 186 hereof subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon.

74. Licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force;

75. Subject to the provisions of any Act of the Parliament of Canada or of Saskatchewan sanctioning and permitting the track of any railroad, street railway or tramway to be laid in, on or along any street or avenue of the town subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon as hereinafter provided and to provide compensation for any damage that may be done on the property or on said streets or avenues, the amount of said damage if any to be settled in the manner provided herein in regard to the expropriation of land and to regulate the use of locomotive engines and of steam or other motive power on any or every portion of any railroad within the town and to provide and regulate the speed of cars upon any and every part of any

railroad within the town and to impose a penalty not exceeding \$500 for any breach of such bylaw;

76. Subject to the provisions of any Act of the Parliament of Canada or of Saskatchewan respecting railways, ^{Regulating railway trains} regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the town and preventing the obstruction of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time and preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the town and blowing of whistle or ringing of bells while the engine is going along or across any street or avenue except under conditions mentioned in such bylaw and imposing a penalty for breach of such bylaw not exceeding \$500:

- (a) In any proceedings taken for infraction of bylaws ^{Procedure} passed under the two preceding clauses service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable for the penalty provided in the bylaw and proceedings may be taken against either or any of them;

77. Acquiring any estate in landed property within or ^{Parks, exhibition grounds, etc.} without the town for a public park, garden or walk or for a place for exhibitions and for the disposal thereof when no longer required for the purpose or when the council of the town may deem it advisable to dispose of the same; and for accepting and taking charge of landed property within the town dedicated for a public park, garden or walk for the use of the inhabitants of the town;

78. The erection of buildings and fences for the purpose of the garden, walk or place for exhibitions as the council ^{Erecting buildings, etc.} deems necessary;

79. The management of the park, garden, walk or place for exhibitions and buildings; ^{Management of parks, etc.}

80. Purchasing, maintaining and controlling a cemetery ^{Regulating burial of the dead} outside the town and preventing the burial of the dead within the town;

81. The enforcement of closing at any specified hour of all wholesale and retail shops, stores or other places where any mercantile business is carried on provided the council is requested to do so by a petition signed by three-quarters of the ratepayers of the town who are engaged in any such line of business; ^{Closing of shops}

82. Restraining and regulating the running at large or ^{Restraining running at large of animals} trespassing of any animals and for providing for distraining

and impounding them and for determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to and sustenance supplied for animals distrained or impounded; for appointing pound keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the pound keeper to impound; for appraising the damages to be paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid:

Provided that in addition to any provision that may be contained in any bylaw passed by the council of any town under this clause the provisions of sections 26, 27, 28, 29 and 30 of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed in the case of any proceedings under such bylaw;

Provided however that the sale of any impounded animal as provided for in section 28 of *The Pound District Ordinance* may be held at such place in the town as may be designated by bylaw;

83. For defining localities or districts within the town within the limits of which no hotel, blacksmith shop or livery, boarding or feed stable shall thereafter be established;

Disposing
of town
property

84. Disposing of or devoting to some other town purpose in whole or in part any property acquired by the town for a specific purpose when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted;

Preventing
children
being
on the
streets at
nightfall

85. On presentation of a duly certified petition representing one-half of the resident ratepayers of the town regulating the time after which children shall not be in the streets within the limits represented by the said petitioners at nightfall without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed and the council shall in each case cause a bell or bells to be rung at or near the time appointed as a warning to be called a "curfew bell" after which the children so required to be in their homes or off the street shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause; and for providing a penalty for any child so found in the public streets contrary to the above regulations and the parent or guardian of any child who after being duly warned in writing permits his child to be on the public streets contrary to the said regulations;

86. Generally to make and establish all such bylaws for the government and good order of the municipality and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law. ^{Government of municipality}

170. Notwithstanding anything contained in the next preceding section or elsewhere in this Act no town shall have the power to bonus in any manner, exempt from taxation, acquire stock in or guarantee the payment of any bonds or debentures issued by any railway company.

(2) Notwithstanding anything contained in the next preceding section or elsewhere in this Act the council shall have no power to give any person or company an exclusive right of exercising any business or special franchise within the town.

171. It shall be the duty of the council to make due provision for the care and treatment of any person who has been a resident of the town for at least ~~three months~~ ^{three days} who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment. ^{Care of the sick Am 1909 p 182}

~~172. Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the province the board of such hospital may demand from the council the sum of seventy five cents per day for each day's actual treatment and stay of the patient in such hospital.~~ ^{Am 1909 p 182}
~~such person be admitted as a patient by~~ ^{Demand by hospital board}

173. Any sum thus paid by the town to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the town or if deemed advisable it may be added to and form part of the taxes levied by the town against any land owned by the said patient and shall be collectable in the same manner and to the same extent as all other taxes; and in the event of the death of the said patient the council may recover from his administrators and executors the said sum. ^{Recovery of payment from patient}

174. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients for such annual sum and subject to such conditions and restrictions as may be agreed upon. ^{Agreement between council and board}

175. The council shall have power subject to the consent of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any ^{Power to establish fuel yards}

order in council in that behalf to borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood, or other fuel and temporarily to operate fuel yards by purchasing supplies of such fuel and selling and disposing of the same in anticipation of or during a period of such scarcity or failure of supply of fuel or such threatened scarcity or failure of supply thereof as may appear to create an emergency and any bylaw passed under the authority of this section shall require a vote of two-thirds of the council.

Licenses

176. In all cases in which in this Act it is provided that the council may license any business, building, calling, trade or occupation or the keeper of any articles or animals for use or hire the council shall also have full power and authority by bylaw to provide regulations in connection therewith and governing the conduct of same and providing the manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses.

Liability for both license fees and taxes

177. The imposing or collecting of license fees shall not in any case be deemed to prevent the assessing of property used by license holders in the same manner as other property and collection of taxes thereon.

Council may do omitted work

178. When the council has authority to direct that any matter or thing shall be done by any person the council may also direct that in default of its being done by such other person it shall be done at the expense of the person in default and the town may recover the expense thereof with costs by action or in like manner as municipal taxes.

Bylaw to be signed and have three distinct readings before passed

179. Every bylaw under this Act shall be under the seal of the town and shall be signed by the mayor and countersigned by the secretary treasurer and every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at any one meeting of the council except by the unanimous vote of the members present thereat.

Evidence of its passing

180. A copy of any bylaw written or printed and under the seal of the town and certified to be a true copy by the mayor or secretary treasurer shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or secretary treasurer has been forged.

181. When one-half of the ratepayers whose names appear on the last revised assessment roll petition the council for the submission of a bylaw on any question concerning a matter within the legislative jurisdiction of the council the same shall be granted and a bylaw introduced by the council within four weeks after the presenting of the said petition which bylaw shall be advertised in some newspaper published in the town or in case there is no newspaper published in the town in any newspaper circulated therein in at least one number of such paper each week for two successive weeks and if the majority of the votes polled is in favour of the said bylaw the bylaw shall be finally passed by the council within four weeks of the voting thereon. Petition for submission of bylaws

(2) The proceedings upon a vote under the provisions of this section shall be the same *mutatis mutandis* as those provided herein for voting on money bylaws.

182. In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof. Validation of bylaws

MONEY BYLAWS.

183. A debt contracted pursuant to a bylaw and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures issued thereunder.

184. Every town may subject to the following provisions pass bylaws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the ratable property of the town for any purpose within the jurisdiction of the town or on roads, bridges, waterworks or drainage works outside the limits of the town. Contracting debts

Provided that no town shall have power to pass such bylaw for contracting debts to a greater extent than 10% of its ratable property in the town except as provided in Sec 45 of the Municipal Public Works Act - 1909 c 182

185. Bylaws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon in the manner provided herein-after. Assent of two-thirds of burgesses

186. Bylaws making loans or granting bonuses to manufacturing, mills, elevators or any works of a public nature or for exemption from taxation for a longer period than one year or for building, owning or operating grist mills, elevators and manufacturing establishments or for subscribing for stock therein shall only be introduced or considered by the council Granting bonuses

on a petition of one-half of the resident burgesses of the town and all such bylaws shall before the final passing thereof receive the assent of two-thirds or more of the burgesses voting thereon in the manner hereinafter provided:

Rep 1909 p 142

{ Provided that no town shall have power to pass such bylaw for contracting debts to a greater extent than ten per cent. of the ratable property in the town except as provided in section 48 of *The Municipal Public Works Act*.

Annual
rates

187. Bylaws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payments of such debts.

188. The bylaw creating a debt shall state by recital or otherwise:

- (a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) The period over which the indebtedness is to be spread and the amount of the instalment to be paid in each of such years or the period at the end of which the same is to be paid;
- (c) The rate of interest and whether the same is to be paid annually or semi-annually;
- (d) The amount of ratable property in the town according to the last revised assessment roll;
- (e) The amount of the existing debenture debt of the town and how much if any of the principal or interest thereof is in arrears.

Time of
taking effect

189. The bylaw shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the bylaw it shall take effect on the day of the final passing thereof.

Optional
mode of
payment

190. The bylaw may provide that the indebtedness shall as the council may deem expedient be payable:

1. In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or

2. In such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run together with interest on such debentures to be paid annually or semi-annually as the council may by the bylaw provide:

Provided however that if the indebtedness is to be made payable by debentures payable in the manner set forth in this

clause there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per cent. per annum to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the town and collected along therewith.

(2) If the above provisions or either of them are contained in any bylaw of any town to which this Act applies whether such bylaw has been passed prior to the coming into force of this Act or is contained in any bylaw hereafter to be passed, then the debt to be incurred and the debentures to be issued in respect thereof may be made payable in whichever of the above modes the council may by bylaw determine.

191. The debentures to be issued under the bylaw shall be ^{Form of} ~~in the form following or to the like effect:~~ ^{debentures}

FORM 1.

Town of

§ Debenture No.

Under the authority of *The Town Act* and of bylaw No. of the town of , passed on the day of , 19 , the said town promises to pay the bearer at the sum of dollars with interest at the rate of per cent. per annum in consecutive annual instalments according to the terms of the several coupons hereto attached.

{ Corporate seal }
{ of the town. }

.....
Mayor.
.....

Secretary Treasurer.

Coupons

Coupon No.
Debenture No.
The town of
on the
the sum of

will pay to the bearer at
day of 19
dollars.

.....
Mayor.
.....

Secretary Treasurer.

FORM 2.

Town of

\$

Debenture No.

Under the authority of *The Town Act* and of bylaw No. _____
 of the town of _____, passed on the _____ day of _____
 19____, the said town hereby promises to pay to the
 bearer at _____ the sum of _____ dollars on the
 day of 19____ (*if interest is payable in the meantime add*) and
 to pay the bearer the amount of each of the several interest
 coupons hereto attached as the same shall respectively become
 due.

{ Corporate seal }
 { of the town. }

.....
Mayor.

.....
Secretary Treasurer.

And the coupons may be in the following form:

Coupons

Coupon No.

Debenture No.

The town of _____ will pay to the bearer at
 on the _____ day of _____ 19____
 the sum of _____ dollars.

.....
Mayor.

.....
Secretary Treasurer.

Local
 improve-
 ment
 debentures

192. In case of debentures issued for local improvements the words "local improvement debenture" shall also be printed on the face of the debentures issued in respect of that part of the cost which is to be raised by special assessment.

Execution of
 debentures

193. Every debenture issued as aforesaid shall be sealed with the seal of the town and signed either by the mayor or by some person authorised by bylaw to sign the same in his stead and by the secretary treasurer or by some person authorised by bylaw to sign in his stead.

(2) *Handwritten signatures on the coupons attached to such debentures may be engraved or lithographed*

Times and
 modes of
 issue

194. Debentures authorised by any such bylaw may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the bylaw; and any debenture may provided it be actually issued within the said period of four years bear any date within the said period.

195. Any debenture issued under this Act shall be valid and binding upon the town notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the town in respect thereof; provided that the bylaw has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing. Validation of debentures

196. Every bylaw which has received the assent of the required number of the burgesses who have voted thereon may be passed by the council within four weeks of the voting thereon but not thereafter. Final passing of bylaw

SUBMISSION OF DEBENTURE BYLAWS TO MUNICIPAL COMMISSIONER.

197. The council of any town which has heretofore and in pursuance of any law authorising such town so to do passed and the council of any town which shall hereafter in pursuance of the authority of this Act pass a bylaw for contracting a debt or incurring a liability or for borrowing money may apply to the municipal commissioner for a certificate approving the bylaw. Application for approval of debenture bylaw by municipal commissioner

(2) No certificate shall be granted while any action or proceeding in which the validity of the bylaw is called in question or by which it is sought to quash it is pending nor until two months after the final passing of the bylaw unless notice of the application shall be given in such manner and to such persons, if any, as the municipal commissioner may direct. Certificate not to be granted while proceedings pending

(3) The certificate may be in the following form:

In pursuance of *The Town Act* the municipal commissioner hereby certifies that the within bylaw is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

Dated this day of 19 .

[SEAL]

.....
Municipal Commissioner.

198. The municipal commissioner may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the bylaw or in the bylaw itself if in the opinion of the said commissioner the provisions of the Act under the authority of which the bylaw was assumed to be passed have been substantially complied with. Commissioner may grant certificate upon proof of substantial compliance with law

199. Every bylaw approved by the certificate of the municipal commissioner and the debentures issued or which may thereafter be issued in conformity with its provisions shall be valid and binding upon the town and upon the property Bylaw and debentures not to be open to question after approval

liable to the rate imposed by or under the authority of the bylaw and the validity of the bylaw and of every such debenture shall not thereafter be open to question in any court.

Counter-
signing of
debentures

200. Where a bylaw has been approved under the provisions of section 197 hereof the municipal commissioner may upon application of the town council countersign any debenture or debentures issued or which may thereafter be issued under the authority of the bylaw and such countersigning by the municipal commissioner shall be conclusive evidence of the validity of such debenture or debentures and the legality of the issue of such debenture or debentures shall be thereby conclusively established and its or their validity shall not be open to question in any court; and every such debenture so countersigned shall be valid and binding upon the town and upon the property held for the rate imposed by or under authority of the bylaw and the signature of the commissioner may be written or stamped on the debentures.

ASSENT OF BURGESSES TO BYLAWS.

Corporation
voting

201. Where a bylaw requires the assent of burgesses before the final passing thereof any bank or other corporation assessed on the last revised assessment roll as the freeholder or lessee of real property which if held or leased by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

Publication
of bylaw
and notice

202. In case a bylaw requires the assent of two-thirds of the burgesses before the final passing thereof the following proceedings shall except in cases herein otherwise provided for be taken for obtaining such assent:

1. The council shall by bylaw appoint a returning officer for the purpose of taking the votes of the burgesses upon the referred bylaw and such returning officer shall have and be subject to the like powers, authorities, duties and liabilities as returning officers in the case of an election under this Act;

2. The council shall by the bylaw fix the day and hour for taking the votes of the burgesses and the places in the town where polls shall be opened and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed bylaw;

3. The council shall before the final passing of the proposed bylaw publish a copy thereof in some newspaper published in the town or in case there is no newspaper published in the town in a newspaper circulated therein; and the publication for the purpose aforesaid shall be made in at least one number of such paper each week for three successive weeks; the

returning officer shall also post up a printed copy of the proposed bylaw at five or more conspicuous places in the town one of which shall be the post office;

4. To each copy so published and posted shall be appended a notice over the printed or written signature of the returning officer stating that the above is a true copy of a proposed bylaw which has been introduced and which may be finally passed by the council in the event of the assent of the burgesses being obtained thereto within four weeks of the voting thereon and that upon the day and at the place or places fixed for taking the vote of the burgesses the voting thereon will be held between the hours of 9 a.m. and 5 p.m. mountain standard time.

203. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a bylaw the returning officer shall cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of voting. Printing ballots

204. The ballot paper shall be in the following form: Form of ballot

<p>.....19..... Voting on bylaw (here insert object of the bylaw), submitted to the burgesses of the town of this (date).</p>	<p>FOR THE BYLAW</p> <hr style="width: 50%; margin: 20px auto;"/> <p>AGAINST THE BYLAW</p>
---	--

205. The council shall by the bylaw fix a time when and a place where the returning officer shall sum up the number of votes given for and against the bylaw. Bylaw to fix times and places

206. At the time and place named the mayor if requested shall appoint by writing signed by him two persons to attend at the final summing up of the votes on behalf of the persons interested in promoting the passing of the bylaw and a like number on behalf of the persons interested in and opposing the passing of the bylaw. Appointment of representatives

207. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form: Oath of appointee

I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the town of _____ and that I am interested in promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) to be submitted to the burgesses of the said town on the _____ day of _____ 19 ____.

(Signature) *A.B.*

Declared before me this _____ day of _____ 19 ____
C.D.,
Mayor.
or *E.F.,*
Returning Officer.

**Production
of appoint-
ment**

208. Every person so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the returning officer presiding at the poll.

Substitute

209. In the absence of any person authorised as aforesaid to attend at a polling place or the final summing up of the votes any burgess in the same interest as the person so absent may upon making and subscribing before the returning officer a declaration in the following form be admitted to the polling place to act for the person so absent:

I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the town of _____, and that I am interested in promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) to be submitted to the burgesses of the said town on the _____ day of _____ 19 ____.

(Signature) *A.B.*

Declared before me this _____ day of _____ 19 ____
C.D.,
Returning Officer.

**Who
allowed in
polling
place**

210. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or burgesses authorised to attend as aforesaid at the polling place.

Voters' lists

211. The secretary treasurer before the poll is opened shall deliver to the returning officer a voters' list containing the names arranged alphabetically of all the burgesses entitled to vote on the bylaw, a brief description of the property in respect of which each is entitled to vote and he shall attest the said list by writing under his hand.

(2) Such list shall be prepared by the secretary treasurer from the last revised assessment roll of the town but the council may up to the eighth day before the day fixed for the voting on the bylaw strike out from the said list the name of any person who has ceased to have the necessary qualification or include therein the name of any person who has since the final revision of the said roll acquired such qualification.

212. The voters' list shall be in the following form:

Names of the Burgesses.	Column for Mark indicating that voter has voted.	Description of property in respect of which the burgess is entitled to vote	Objections	Sworn or Affirmed.	Refusal to affirm or swear	REMARKS

213. At the day and hour fixed as aforesaid the poll shall be held and the votes shall be taken by ballot. Polling

214. The poll shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day, mountain standard time. Poll opens

215. Every returning officer, poll clerk, constable or agent authorised to be present at any polling place at the voting on a bylaw shall before exercising any of the rights or functions of his office take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the returning officer presiding at the poll an affidavit in the following form: Officers' oaths

I, A.B., do solemnly promise and declare that at the voting on the bylaw submitted to the burgesses of the town of (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted and that I will not in any way whatsoever aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the bylaw.

A. B.

Declared before me his day of 19 .

C. D.,

Justice of the Peace (or Returning Officer.)

216. The printed directions to be delivered to the returning officer shall be in the following form: Directions to voters

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with the pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes

for the passing of the bylaw and in the lower space if he votes against the passing of the bylaw.

The voter will then fold up his ballot paper or ballot papers so as to show the name or initials of the returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot or ballots so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter places on any ballot paper more than one mark or any mark by which he may afterwards be identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following form the ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the bylaw:

.....19..... Voting on bylaw to (<i>here insert object of the bylaw</i>), submitted to the burgesses of the town of this (<i>date</i>).	FOR THE BYLAW	X
	AGAINST THE BYLAW	

Vote

217. Every burgess shall be entitled to vote only once on any referred bylaw.

Oath of
voter

218. Every burgess tendering a vote on the bylaw may be required by the returning officer or by any burgess entitled to vote on the bylaw to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect thereof:

You swear that you are of the full age of 21 years;

That you are a freeholder in your own right (*or your wife is a freeholder*);

That you have not voted before on the bylaw;

That you are according to law entitled to vote on this bylaw;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named (*or intended to be named*) in the voters' list (*showing the voters' list to the voter*);

(*In case of an unmarried woman or widow claiming to vote*) That you are unmarried (*or a widow as the case may be*);

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

219. The chief resident officer of any corporation tendering a vote on the bylaw may be required by the returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

Oath on
behalf of
corporation

That you are the chief resident officer of the (*naming the corporation*);

That the said corporation is a freeholder in this town;

That you have not cast any vote on the bylaw on behalf of the corporation;

That you are according to law entitled to vote on the bylaw as chief resident officer of the said corporation;

That the said corporation is the corporation named (*or intended to be named*) in the voters' list (*showing the voters' list to the voter*);

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or

promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

**Returning
officer's
statement**

220. The written statement to be made by the returning officer at the close of the polling shall be made under the following heads:

1. Name of town and date of voting;
2. Number of votes for and against the bylaw;
3. Rejected ballot papers.

Objections

221. The returning officer shall take a note of any objection made by any person authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection; each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the returning officer.

Count

222. Every returning officer at the completion of the counting of the votes shall in the presence of the persons authorised to attend make up into separate packets sealed with his own seal and the seals of such persons authorised to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of the voting and the name of the returning officer:

1. The statement of votes given for and against the bylaw and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;
3. The ballot papers which have been objected to but which have been counted by the returning officer;
4. The rejected ballot papers;
5. The spoiled ballot papers;
6. The unused ballot papers;
7. The voters' list, the poll book and a statement of the number of burgesses whose votes are marked by the returning officer under section 124 hereof with their declaration of inability and note taken of objections made to ballot papers found in the ballot box and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

I, *C.D.*, returning officer for the town of _____ do hereby solemnly declare (*or if he is a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge

the annexed copies of the voters' list and poll book used at this voting held on the _____ day of _____ 19____ were used in the manner prescribed by law and that the entries required by law to be made were correctly made.

C. D.,
Returning Officer.

Declared (or affirmed) before me at _____ this
day of _____ 19____

A. B.,

Justice of the Peace (or Poll Clerk as the case may be).

(2) Such voters' list, poll book, packets, ballot boxes and declaration shall forthwith be returned to the secretary ^{Voters' list etc., to be returned to secretary treasurer} and the same may be inspected at any time by any burgess in the presence of the secretary treasurer.

223. Every returning officer shall at the close of the poll ^{Returns} certify under his signature in the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside.

224. Every returning officer upon being requested so to ^{Certificate of result} do shall deliver to the persons authorised to attend at his polling place a certificate of the number of votes given at the polling place for and against the bylaw and of the number of rejected ballot papers.

225. The returning officer shall at the time and place appointed by the bylaw in the presence of the persons authorised to attend or of such of them as may be present sum up the number of votes for and against the bylaw and shall then and there declare the result and shall forthwith certify to the council under his hand whether the burgesses voting upon the bylaw have approved or disapproved of the bylaw.

226. Every officer, clerk and person in attendance at a ^{Offences} polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or other person shall interfere with or attempt to interfere with a burgess when polling his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a bylaw.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a bylaw.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or

attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on the bylaw.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

Scrutiny

227. If within two weeks after the returning officer has declared the result of the voting on a bylaw any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognisance before the judge in the sum of \$100 with two sureties to be allowed as sufficient by the judge upon affidavits of justification in the sum of \$50 each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

Notice

228. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

**Hearing
by judge**

229. At the time appointed the returning officer shall attend before the judge with the ballot papers and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine the number of votes given for and against the bylaw and shall forthwith certify the result to the council.

**Powers of
judge
general**

230. The judge upon such scrutiny shall possess the like power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a bylaw and he may apportion the costs as to him seems just.

231. All the provisions of sections 108 to 161 inclusive hereof so far as not inconsistent with the provisions of the preceding thirty sections hereof shall *mutatis mutandis* apply to proceedings under sections 201 to 230 inclusive hereof.

QUASHING BYLAWS, ETC.

232. Any elector of the town may within two months after the passing of any bylaw or resolution of the council apply to a judge upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the town and may determine the scale of such costs. ^{Motion to quash}

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the secretary treasurer and the town seal; and the secretary treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into a recognisance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the court with the other papers relating to the motion.

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section the applicant may pay into the court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court having been made shall be filed in the court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

233. Any bylaw which has been procured to be passed through or by means of any violation of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained. ^{Bylaws procured by bribery or corruption}

EXPROPRIATION.

**Council
may acquire
land**

234. In case the council desires to acquire land for any purpose authorised by this Act and in case they cannot acquire the land at a fair price by agreement with the owners or occupiers thereof or other persons interested therein may acquire the same by expropriation in the name and on behalf of the town.

**Compensa-
tion**

235. The said council shall make to the owners or occupiers or other persons interested in any land taken by the town in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

**Deposit of
plan of land
taken**

236. Before taking any land the council or commissioners shall deposit with the secretary treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and the names of the owners or occupiers thereof according to the last revised assessment roll.

(2) The secretary treasurer shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

**Claims for
damages**

237. In case any land not taken for any work or undertaking constructed, made or done by the council or commissioners under the authority of this Act is injuriously affected by such work or undertaking the owner or occupier or other persons interested therein shall file with the secretary treasurer within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(2) Such notice shall be given by the secretary treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

238. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof. ^{Compensation appurtenant to land}

239. In the case of land which the town has authority under this Act to take without the owner's consent corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue born, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the town any such land or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof. ^{Trustees, etc.}

(2) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from Saskatchewan or is unknown or in case his residence is unknown or he himself cannot be found a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(3) In case any person acting as aforesaid had not the absolute estate in the property the town shall pay the amount to be paid in respect of such property as a judge shall direct into court and the town shall not be bound to see to the application of any sum so paid.

240. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges, if any, to which the said lands were subject and any claim to or incumbrance upon the said lands or to or upon any portion thereof shall as against the said town be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof. ^{Compensation and damages to stand in lieu of land}

241. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper ^{Vesting order}

transfer, discharge or other instrument or cannot be found or is unknown the town may pay such compensation or damages into court and thereupon the judge on the application of the town may grant an order vesting in the town the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the town or in case there is no newspaper published in the town in a newspaper circulating therein calling upon persons entitled to compensation or damages in respect of any lands or part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

Tender

242. The council in all cases where claims for compensation or damages are made against the town which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the land taken; and in the event of the nonacceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the town and set off against any amount awarded against them.

Arbitration

243. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council in the event of the council not being able to agree with the claimant as to the amount of compensation or damages the same may be settled and determined by the award of a judge or of a barrister to be appointed by him.

**Arbitrators
fees**

244. The fees to be paid to a judge or to the arbitrator appointed by him upon any arbitration shall be as follows:

For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party \$3;

For every day's sitting to consist of not less than six hours \$20;

For every sitting not extending to six hours (fractions or parts of hours being excluded) actually proceeded with for each hour occupied \$3.

245. The reference of any such claim to a judge shall not be deemed to be an admission of any liability on the part of the town; and all defences and objections shall be open to either party as if an action had been brought. Effect of reference

246. The judge or other arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officers of the court without any further order; and the amount so determined shall be payable within one week after taxation. Costs

247. In case of an award under this Act the judge or other arbitrator shall take and immediately after making of the award shall file with the secretary treasurer for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof; and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof. Notes of evidence and view

248. The award shall not be binding on the town unless it is adopted by the town by bylaw within one month after the making of the award; and if not so adopted the property shall stand as if no arbitration had been held and the town shall pay the costs of the arbitration. Effect of award

PART V.

Municipal Finance.

FINANCE.

249. The treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalment of principal both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the Accounts of debts, special rates, sinking funds, etc.

state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

Disposal
of surplus

250. If after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of such debt for the purpose of payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

Sinking fund

251. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the town.

252. The council may by bylaw direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinafter provided shall from time to time as the same occurs be applied towards payment or redemption at such value as the council may fix for any part of such debt or any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such bylaw; and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by such bylaw.

Liability in
case of
diversion of
moneys

253. In the event of the council diverting any of the said moneys for current or other expenditure the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount may be recovered by the town by action against them in the supreme court.

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the town the action may be brought by an elector on behalf of the town.

Neglect to
levy sinking
fund

254. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or for the instalment necessary for the payment of any debenture debt of the town every member of the council shall be disqualified from holding any town office for the next two

years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of the judge that he made reasonable efforts to procure the levying of the said amounts.

225. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the town or in any other debentures of the town or in first mortgage of freehold real estate within the town to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities.

(2) The council may regulate by bylaw the manner in which such investment shall be made in the aforesaid securities.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the council; but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) The council may direct by bylaw that any surplus moneys in the hands of the treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

256. The council may appropriate to the payment of any debt the surplus income derived from any town work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund, as the case may be, or may be applied in payment of any instalment thereof accruing due or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any town work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

**Prohibition
as to
investment**

257. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 255 hereof otherwise than is therein authorised and any person so doing shall be held personally liable for any loss thereby sustained by the town.

**Consolida-
tion of
bylaws**

258. In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures in consequence of many of the same having to be issued for small and broken amounts the council may from time to time after the passing of bylaws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property therein described pass a collective or accumulative bylaw consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidated bylaw apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual bylaw passed in the first instance.

**Temporary
loans**

259. After a referred bylaw has been finally passed by the council the council may by bylaw authorise the mayor and treasurer to raise from time to time by way of a temporary loan in anticipation of the issue or sale of the debentures authorised by the referred bylaw and for the purposes thereby authorised such sum or sums not exceeding in the aggregate eighty per cent. of the total principal sum authorised by the referred bylaw to be raised as the council deems expedient and all such temporary loans shall be a special charge upon the debentures in anticipation of the issue or sale whereof such temporary loans were made.

**Debenture
register**

260. The treasurer shall open and keep a book to be known as "The Debenture Register"; in the said book there shall be entered particulars of every bylaw authorising the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer with the proper particulars inserted therein in the following form:

Registered in the debenture register as No. under
bylaw No. this day of 19 .

**Effect of
registration**

261. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the town or of any *bona fide* purchaser for value notwithstanding any defect in form or substance therein.

**Certificate
of
registration**

262. A certificate signed by the mayor and treasurer and sealed with the corporate seal of the town that any debenture

has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

263. In case any debenture issued under the authority of any bylaw has been sold, mortgaged, pledged or hypothecated the town may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof and thereupon issue one or more new debentures in substitution thereof; and may make such new debenture or debentures payable by the same or a different mode of payment: Cancellation of debenture

Provided that neither the period over which the indebtedness was originally spread or the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

264. Any debenture issued by the council may contain a provision in the following words: Registration of transfer

This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the secretary treasurer of this town be transferable except by entry by the secretary treasurer in the debenture register of the town.

265. In case of the issue of any debentures containing the provision in the last section mentioned the treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture; no such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executor or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the treasurer. Certificate of ownership of debenture

(2) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the treasurer in such debenture register from time to time as transfers of such debenture are authorised by the then owner thereof or his lawful attorney.

DEPOSIT OF SINKING FUND WITH THE PROVINCIAL TREASURER.

266. Notwithstanding the foregoing provisions of this Act the council where it proposes to pass a bylaw for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof may pass a bylaw wherein it may Sinking fund may be paid into provincial treasury

be provided that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer to the provincial treasurer.

(2) Where a municipality avails itself of the right conferred by the next preceding subsection the provincial treasurer may receive from the treasurer of the town the annual amounts so levied on account of the sinking fund and allow and credit the town with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Money received to form part of general revenue fund

(3) All moneys received by the provincial treasurer under the provisions of this section shall form part of the general revenue fund of the province and a statement of the amount at the credit of each town shall be set forth annually in the public accounts of the province.

Sinking fund may be invested in the debentures, etc.

(4) The Lieutenant Governor in Council may from time to time should such course be deemed advisable direct the provincial treasurer to invest the amount at the credit of the town or any part thereof as directed by section 9 of *The Treasury Department Act* or in the debentures of such town to redeem which such sinking funds were paid to the provincial treasurer.

Plan of payment

267. Any bylaw passed under the provisions of the next preceding section may also provide that the debentures and coupons for the interest thereon may be payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States or Canada.

Amount payable into sinking fund to be a debt due to the treasurer

268. Where a bylaw has been passed under the authority of the next preceding section the amount payable in any year to the credit of the sinking fund which under the provisions of the bylaw is to be paid to the provincial treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in any court of competent jurisdiction in his own name as for a debt due to the crown.

Debenture bylaws to be sent to municipal commissioner

269. Every town the council of which shall hereafter pass any bylaw under the provisions of section 266 hereof shall within thirty days after the final passing of the bylaw transmit a duly certified copy thereof to the municipal commissioner.

Annual return as to sinking fund to be sent to municipal commissioner

270. Where by any bylaw heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the bylaw the town in each year in which the sinking fund is required to

be raised shall transmit to the municipal commissioner a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with and the state of the investment of any part of the sinking fund therefor collected which return shall be verified by the affidavit or statutory declaration of the mayor and of the secretary treasurer of the town.

271. Any town which does not comply with the provisions Penalty of the next preceding section and the mayor and secretary treasurer thereof shall be guilty of an offence; and for every offence each shall incur a penalty not exceeding \$100 to be recovered with costs by summary conviction.

PART VI.

Assessment and Taxation.

272. The boards of high school, public school and separate school trustees shall when applying to the council for the sums of money required for the maintenance of the said schools attach to such application an estimate showing in detail the amounts required for the purposes of the said boards of school trustees respectively. Board of school trustees to furnish estimate of money to the council

273. The council shall appoint two of their number who with the assessor shall on completion of the assessment roll and before assessment notices are sent out check over the assessment roll and make corrections as the majority of them may decide. Assessment committee

274. The assessor shall complete his assessment roll in each year by the thirty-first day of May. Assessment roll

275. Unless the municipal commissioner otherwise provides the assessment roll shall be in the following form:

TOWN OF	ASSESSMENT ROLL FOR YEAR 19	No. of Assessment.
		The names in full (if the same can be ascertained) of every person taxable in the Town.
	Post Office Address.	
	Own. (owner), occ. (occupant).	
	Brief description of taxable property.	
	Frontage and depth.	
	The actual cash value of each parcel or lot of real property or of the interest of the taxable person thereon.	
	Value of Buildings.	
	V. (vacant), R. (residential), B. (business).	
	Business assessment.	
	Taxable income.	
	Special franchises.	
	Total Amount of assessment.	
	Public or separate school supporter.	
	Date of assessment.	
	Value of property exempt from taxation.	
	Date of delivery or posting of notice.	

276. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100. Fraudulent assessment

277. The assessor within three weeks after completing the said roll and after the same has been corrected pursuant to the provisions of section 273 shall publish in a newspaper published in the town or post up in five conspicuous places in the town a notice in the following form: Notice of assessment by publication

Town of
Assessment Roll, 19 .

Notice is hereby given that the assessment roll of the town of for the year 19 has been prepared and is now open to inspection at the office of the secretary treasurer of the town from 10 a.m. to 4 p.m. on every juridical day except Saturday (and on that day from 10 a.m. to noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

Dated this day of 19

A.B.

Assessor.

278. The ~~secretary~~ ^{Assessor} shall also within ten days after the completion of the assessment roll and after the same has been corrected pursuant to the provisions of section 273 transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person. Notice by mail
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(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 177 hereof and there shall be indorsed thereon a written or printed form of complaint as given in section 280 hereof.

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

279. If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name or the name of any other person has been wrongly inserted in or omitted from the roll or that any person who should be assessed as a public school supporter Appeal to council

has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the council to correct the said error and in such notice he shall give a name and address where notices may be served upon him.

Form of
notice of
appeal

280. Every such complaint shall be in the following form:
To the Assessor of the Town of

Sir,—I hereby appeal against assessment No. (or
as the case may be) on the following (*here state grounds of
appeal*).

C.D.
Applicant.

Dated this day of 19 .

Notice of
hearing

281. The assessor shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected thereby of the time and place of the sittings of the council to hear the said appeal.

Time of
notice

282. Every such notice shall be posted by registered letter to the post office address of such person as entered on the assessment roll at least fifteen days before the sitting of the council unless such person has a place of business within the town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the sitting of the council.

List of
appeals

283. Before the sittings of the council the assessor shall prepare a list of the appeals in the following form which list shall be posted on a notice board at the office of the secretary treasurer and shall continue so posted during the sittings of the council:

Appeals to be heard by the council of the Town of
on the day of 19 .

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner or tenant
L.M.	Self	Income overcharged.
etc.	etc.	

Secretary

284. The assessor shall be the clerk and secretary of the council in connection with assessment appeals.

(2) As such clerk the assessor may when required so to do issue a summons to any person to attend as a witness at the

court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

285. The appeals shall be heard as far as possible in the order in which they stand upon the said list but the council may adjourn or expedite the hearing of any appeal as they think fit. ^{Conduct of hearing}

286. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed *ex parte*. ^{Non-appearance}

287. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deem it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party. ^{Evidence}

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

288. All the duties of the council under the foregoing sections shall be completed by the twenty-fifth day of July; and no appeal to the council shall be heard after that date. ^{Termination of sittings}

289. Forthwith after the conclusion of the sittings the assessor shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the assessor. ^{Amendment of roll}

290. The roll as finally passed by the council and certified by the assessor as so passed shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in the notice required by section 281 of this Act or any omission to deliver or to transmit such notice. ^{Binding effect of amended roll}

291. A copy of the roll or any portion thereof written or printed without any erasure or interlineation and under the ^{Evidence of roll}

seal of the town certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

Omissions
from
assessment
roll

292. If at any time before the first day of December it shall be discovered that either the property, business or income of any taxable person or any part of same is not included in the roll or that any person has commenced business after the assessment roll has been completed the assessor shall notify such taxable person by registered letter mailed to the post office address of such person if such address be known that at a meeting of the council to be held at least fifteen days after the mailing of such notice an application will be made to the council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend at such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for.

(2) After such notices have been mailed as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the council may assess such taxable property and direct the assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

Provided always that all the provisions of this Act as to appeals from assessments as far as the same are applicable shall apply to any such assessment.

(3) Immediately after such assessment shall be made as aforesaid the assessor shall place the same on the tax roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the rest of the taxes.

Duties of
assessor as
to entries

293. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector and the assessor has reason to suspect that the person so claiming or the person on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall upon summary conviction thereof be liable to a penalty of \$25 with costs and to imprisonment until the penalty and costs are paid.

(4) The assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his written authority that he is a supporter of public schools or of separate schools, as the case may be, and such statement shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll the letters "PSS" or "SSS," as the case may be, and in the absence of any such statement the assessor shall make such entries in accordance with his belief.

294. It shall be the duty of every assessable person to give Information to be given to the assessor all information necessary to enable him to make up the roll but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

295. It shall be the duty of every person employing any Information by employers other person in his trade, manufacture, business or calling to give to the assessor on demand information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceeds \$200 per annum.

296. The roll with any amendments made as aforesaid Adoption of roll shall be adopted by the council on or before the second day of August and shall thereupon become and be the revised assessment roll of the town:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided by and according to the procedure prescribed herein.

297. The council may at any time correct any gross and Correction of errors palpable errors in the roll and any corrections so made shall be initialed by the assessor.

APPEAL FROM COURT OF REVISION TO THE JUDGE.

298. An appeal to the judge shall lie not only against the Appeal lies to judge decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

**Proceedings
on appeal**

299. In all appeals under the provisions of the preceding section the proceedings shall be as follows:

**Notice of
appeal**

1. The appellant shall in person or by agent serve upon the assessor within eight days after the decision of the court of revision a written notice of his intention to appeal to the judge;

2. The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals;

**Assessor to
notify
parties
interested
in appeals**

3. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

**Time of
notice**

4. Every such notice shall be posted by registered letter to the post office address of the appellant as entered on the assessment roll at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals:

Provided however that in the event of failure by the assessor to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

**Assessor to
post notice
of appeals**

5. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal also a statement of the time and place fixed by the judge for the hearing of such appeals;

**Secretary
treasurer to
be clerk of
court**

6. The secretary treasurer shall be the clerk of the court to be held by the judge for hearing the appeals and may issue subpoenas for the attendance of witnesses and the production of documents at said court;

**Hearing and
determina-
tion of
appeals**

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the first day of September; all deferred judgments shall be in writing and when given shall be filed with the secretary treasurer;

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed

by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his judgment the secretary treasurer shall when the same is given forthwith alter and amend the roll according to the terms of the judgment and shall write his own name opposite every such alteration or correction;

9. In such proceedings the judge shall possess all such ^{Judge's powers} powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in said court;

10. All process or other proceedings in, about or by way ^{Title of proceedings} of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the town of
Between

A. B.,
Appellant,
and
C. D.,
Respondent;

11. The costs of any proceeding before the judge as ^{Cost of proceedings} aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs recovered in such court;

12. The costs chargeable or to be awarded in any case ^{Taxation} may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

13. The decision and judgment of the judge shall be final ^{Decision final} and conclusive in every case adjudicated upon.

TAXATION.

300. Subject to the other provisions of this Act the municipal and school taxes of the town shall be levied upon:

(1) lands; (2) businesses; (3) income; and (4) special franchises.

Exemptions

301. The following property shall be exempt from taxation:

1. The interest of the Crown in any property including property held by any person in trust for the Crown;

2. Property specially exempted by law or held for the public use of the Government of Saskatchewan;

3. If any property mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the property itself shall not be liable;

4. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon;

Ref 1909 p 183 (5. Personal property to the amount of \$300 other than income;

6. The buildings and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every university, every school established under the authority of *The Secondary Education Act* or *The School Ordinance*, every incorporated hospital and the association known as "The Young Men's Christian Association" so long as such buildings and grounds are actually used and occupied by such institution but not if otherwise occupied;

7. The buildings and grounds exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements;

8. All property (real and personal) belonging to the town and used only for town purposes;

9. Every public library established under *The Public Libraries Act*;

10. The income of every person up to the amount of \$1,000;

11. Household effects of every kind (except in unlicensed hotels and restaurants), books and wearing apparel in use;

12. Grain;

13. The grounds and buildings of agricultural societies organised under *The Agricultural Societies Act*.

Mode of assessment

302. Land shall be assessed at its fair actual value and buildings and improvements thereon at sixty per cent. of their actual value; in estimating its value regard shall be had to its situation and the purpose for which it

is used or if sold by the present owner it could and would probably be used in the next succeeding twelve months; in case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be substantial if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed.

(2) The mode of assessing businesses shall be as follows: The assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways or other obstructions) of each building or part thereof used for business purposes and shall as far as he deems practicable classify the various businesses and may fix a different rate for each and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class and may classify each building or part thereof according to the class of business carried on therein and may fix a different rate for different classes of business carried on under the same roof and for storehouses and warehouses or other like appurtenant building than that fixed for the principal building and may fix a different rate for different flats of buildings; such rate shall not exceed \$8 per square foot except in the case of banks, loan companies or other financial institutions in which case such rate shall not exceed \$15 per square foot.

(3) Whenever it is found by the assessor that a business is being carried on either wholly or partially outside of any building he shall fix a rate per square foot of the yard space used for such business and shall as far as he deems practicable classify the various businesses and may fix a different rate for each but such rate shall not exceed four dollars per square foot.

(4) The owner of a special franchise shall not be assessed in respect of business or income but in addition to an assessment on land shall be assessed for the actual cost of the plant and apparatus less a reasonable deduction for depreciation.

(5) No person who is assessed in respect of any business or special franchise shall be assessed in respect of the income derived therefrom and no person who is assessed in respect of any business or special franchise or of any income derived therefrom shall be liable to pay a license fee ^{to the town} in respect of the same business or special franchise. *Am 1909 p 183*

(6) For the purposes of this section only the word "lands" shall not include buildings and other improvements thereon.

(7) 1909 p 183. Assessment of partners, joint tenants &c

303. The occupant of any building liable to taxation under the preceding section shall be liable for the business tax afore- ^{Occupant or owner} liable

said though he may also be the owner of the premises and liable as such owner to taxation on the land.

Poll tax

304. Except members of his Majesty's naval or military force on full pay or on actual service or of the Royal North-West Mounted Police force or of the town fire brigade every male person of the age of twenty-one years or upwards who has been a resident of the town for at least three months during the then current year prior to the thirty-first day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$2; the said poll tax may be collected at any time after the first day of June but every person liable to pay a poll tax and any of the persons hereinbefore excepted upon satisfying the assessor on or before the first day of July in the then current year that for a period of at least three months prior to the first day of July in the then current year he has *bona fide* resided in the town and during the said period has been and still is a *bona fide* occupant of premises therein as a tenant, lodger, employee or servant of the owner or person entitled to the possession of the premises and upon producing the receipt of the treasurer showing the payment of the sum of \$5 as "householder's tax" shall be entered by the assessor upon a list to be called the "Householder's Tax List" and shall thereupon be exempt from the payment of a poll tax for the then current year.

**Householder
tax list****Collection of
poll tax**

305. A poll tax may be collected in the same manner as other municipal taxes or may be recovered on summary conviction with costs against the person neglecting or refusing to pay the same and the person appointed to collect the same may also demand the same from the employer of the person liable to pay the same and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax and shall pay the same as soon as the amount of the tax is earned by his said employee to the person appointed to collect the same and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment not exceeding thirty days.

RATES.**Limitations**

306. The council shall in each year fix by bylaw and levy upon all the lands, businesses, income and special franchises as are assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all the valid debts of the town falling due within the year making due allowance for the cost of collection and for the abatement and losses which may occur in the collection thereof; but the council shall not levy in any one year more than an aggregate rate of one cent on the dollar (exclusive of school rates and local improvement rates)

upon the total value of the assessable property within the town according to the last revised assessment roll thereof.

307. The council may pass one bylaw or several bylaws ^{Bylaw} authorising the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the assessable property in the town as shall be sufficient to raise the sum required according to such estimates.

308. If the amount collected falls short of the sum ^{Deficiency} required the council may direct the deficiency to be made up from any unappropriated fund belonging to the town.

309. If there is no unappropriated fund the deficiency ^{Equal deduction} may be equally deducted from the sums estimated as required or from any one or more of them.

310. If the sums collected exceed the estimates the balance ^{Surplus} shall form part of the general funds of the town and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

311. The rates or taxes imposed or levied for any year ^{Date of maturity of taxes} shall be considered to have been imposed and to be due on and from the first day of January of the then current year ending with the thirty-first day of December thereof unless otherwise expressly provided for by the bylaw under which the same are directed to be levied.

TAXES.

312. On or before the first day of October in each year the ^{Assessor} assessor shall prepare a tax roll and the secretary treasurer ^{Preparation and contents of roll} shall proceed to collect the taxes specified therein. *Am 1909 p 153*

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:

- (a) The name of every person assessed;
- (b) His residence;
- (c) The nature of the property in respect of which he is assessed;
- (d) The total amount for which he is assessed;

and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rate; (3) school rate; and (4) arrears and the total thereof:

up. new pro 1909 p/183

assessed in respect of business
 { Provided that any person whose business tax would be less than \$10 shall be taxed \$10 and provided further that any person whose ~~general~~ ^{total} tax would be less than \$2 shall be taxed \$2.

313. If a taxable person is a resident of the town the secretary treasurer shall either transmit to him by post a written or printed notice showing the amount of the taxes payable by such person and distinguishing between:

1. Taxes on land;
2. Taxes on business, income or special franchise;
3. School taxes; and
4. Local improvement or other special tax;

or serve such notice upon any grown up person at the residence or business office of the person taxed; and the secretary treasurer shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials; and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

**Tax notice
nonresident**

314. In case the taxable person is a nonresident the treasurer shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such evidence shall be *prima facie* evidence that the said notice was so transmitted and of the date of such transmission.

Instalments

315. The council may by bylaw require payment of taxes to be made by the taxable person at the office of the secretary treasurer on any day or days and in bulk or by instalments.

No rebate

316. No rebate or allowance by way of discount for payment of the aforesaid taxes or any part thereof on or before the day or days when the same are payable shall be allowed hereafter; but a penalty amounting to a sum equal to eight per centum of the tax shall be added to the said tax roll and be collected in respect of all taxes remaining unpaid on the first day of January in each year.

**Land tax
a lien**

317. The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof (saving his recourse against any other person); and such taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or incumbrance of every person except that of his Majesty; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the town.

318. The production of a copy of so much of the roll as ^{Evidence} relates to the taxes payable by any person in the town certified as a true copy by the secretary treasurer shall be *prima facie* evidence of the debt.

319. Any tenant may deduct from his rent any taxes paid ^{Deduction by tenant} by him which as between him and his landlord the latter ought to pay.

320. When taxes are due upon any land occupied by a ^{Collection from tenant} tenant the secretary treasurer may give such tenant notice in writing requiring him to pay the secretary treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid including costs; and the secretary treasurer shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

321. In case taxes which are a lien upon land remain ^{Distress for taxes where lien} unpaid in the case of a resident of the town for fourteen days after notice given under section 313 hereof or in case of nonresidents for one month after the posting of the statement provided for by section 314 hereof the secretary treasurer may levy the same with costs by distress either:

1. Upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

(a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or

(b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or

- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

Goods of
owner or
taxed
person only
seizable

322. Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

Tenant's
goods

323. No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

Distress
where no
lien

324. In case taxes which are not a lien on land remain unpaid in the case of a resident of the town for fourteen days after notice given under section 313 hereof or in case of a nonresident for one month after the posting of the statement and demand provided for by section 314 hereof the treasurer may levy the same with costs by distress either:

1. Upon the goods or chattels of the person taxed wherever found within the town; or

2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or

3. Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of clause 4 of section 321 hereof and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;

4. And also in case of a business tax upon the goods or chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section of any person who occupies the premises in respect of which the business tax was assessed as purchaser of the business theretofore carried on therein by the person taxed.

Stranger's
goods

325. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

326. Goods in the hands of an assignee for the benefit of ^{Assignee or liquidator} creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

327. Any goods and chattels exempt by law from seizure ^{Exemptions} under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

328. The person who claims such exemption shall select ^{Selection} and point out the goods and chattels as to which he claims exemption.

329. If at any time after demand has been made or notice ^{Anticipatory distress} given pursuant to sections 313 and 314 hereof and before the expiration of the time for payment of the taxes the secretary treasurer has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the town and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the secretary treasurer authorising him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the secretary treasurer may levy accordingly.

330. The costs chargeable in respect of any distress and ^{Costs} levy shall be those payable to bailiffs under chapter 14 of *The Consolidated Ordinances 1898* intituled *An Ordinance Respecting Distress for Rent and Extra Judicial Seizure*.

331. No defect, error or omission in the form or substance ^{Errors} of the notice or statement required by sections 313 and 314 hereof or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

332. The secretary treasurer shall by advertisement posted ^{Sale} up in at least three public places in the town near to the distrained property give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the secretary treasurer shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

Surplus,
return of

333. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

Surplus,
claim to

334. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

Contested
claim

335. If the claim is contested the surplus shall be retained by the secretary treasurer until the respective rights of the parties have been determined by action or otherwise.

Reasons for
noncollec-
tion

336. If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the secretary treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "nonresident" or "not sufficient property to distrain" or "instructed by council not to collect" or "instructed by council to return not collected," or as the case may be.

Arrears of
taxes

p. new sec 1909 p 193

337. As soon as possible after the first day of January in each year the secretary treasurer shall add any unpaid taxes (not including any arrears that may have been included in the total) that may appear on the tax roll of the preceding year against any piece of land to the arrears of taxes already charged in the tax register and also eight per centum on the whole amount then due.

Tax
certificates
and
searches

338. The secretary treasurer shall on demand furnish a written statement of the arrears of taxes charged against any land at that date certified under his hand and whether such certificate be desired or not a charge shall be made of ten cents per lot for every search.

SALE OF LAND FOR TAXES.

List and
advertis-
ment

339. Whenever any portion of taxes on any land has been due for one year calculated from the thirty-first day of December of the year on which the same were imposed the secretary treasurer shall prepare a list of all the lands on his books on which taxes are so due with the amount of arrears against each lot set opposite to the same and the name and address of the owner if known and shall include therein in separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and the mayor and secretary

treasurer shall authenticate such list by affixing thereto their signatures and the seal of the town and the secretary treasurer shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the town and if there is no newspaper published in the town in a newspaper circulating therein and for the next following five consecutive weekly issues of said newspaper preceding the day of sale therein named shall publish a notice therein in form following:

Sale of lands in the Town of _____ for arrears of taxes.

Notice is hereby given that certain lands in the town of _____ will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

(2) And the said notice shall be published in two consecutive issues of *The Saskatchewan Gazette* during the four consecutive weeks mentioned in subsection (1) hereof.

340. The advertisement shall contain a notification that ^{Contents} unless the arrears of taxes and costs are sooner paid the secretary treasurer will proceed to sell the lands for taxes in the day and at the place mentioned in the advertisement.

341. Every such notice shall specify the place, day and ^{Particulars} hour at which the sale shall commence and each lot and parcel of land shall be designated therein by a reasonable description for registration purposes.

342. All the lots liable for sale shall be included in the ^{Omission} same statement and notice; but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

343. The day of sale shall not be more than forty days ^{Time of} after the last publication as hereinbefore provided and the sale shall take place at such place in the town as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the town as the secretary treasurer in his said notice shall name.

344. The secretary treasurer may adjourn the sale from ^{Adjourn-} time to time provided always that no such adjournment shall ^{ment} be for a period exceeding fifteen days.

345. At the place, day and hour appointed for the sale of ^{Sale by} lands if the taxes thereon including costs and charges have ^{auction} not previously been paid the secretary treasurer shall offer

the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for.

Sale to town

346. If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary treasurer shall there and then sell the same to the town at the upset price.

**Surplus
purchase
price**

347. If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall be required to pay at the time of sale only the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser or his assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

**Default of
purchaser**

348. If the purchaser of any parcel of land fails immediately to pay the secretary treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the secretary treasurer shall forthwith again put up the property for sale.

**Certificate
of sale**

349. The secretary treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the secretary treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer.

**Spoliation
or waste**

350. The purchaser shall on receipt of the secretary treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which lands may be redeemed; but he shall not

knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force.

351. A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made and signed by the secretary treasurer in duplicate and may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. Return of sales

352. The owner of any land which may hereafter be sold for taxes or his assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the secretary treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before the date of redemption and the secretary treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption. Redemption

353. For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day. Dates

354. From the time of payment to the secretary treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease. Effect of redemption

355. Whenever such redemption is effected by a person not specially authorised by the owner or his assigns the secretary treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary treasurer. Payment by third party

356. The secretary treasurer shall also immediately after the redemption of any land give notice by registered letter to the purchaser. Notice to tax purchaser

the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

Transfer on
non-
redemption

357. If the land be not redeemed within the period allowed by this Act then on demand of the purchaser or his assigns at any time after the expiration of the time limited for the redemption and upon payment of the balance of purchase money as aforesaid and of the further sum of \$2 the secretary treasurer shall prepare and execute and deliver to him or them a transfer of the land sold:

Provided that any land sold to the town under the provisions of this Act as hereinbefore provided shall be transferred to the town by the secretary treasurer immediately upon the expiration of the time allowed for the redemption without charge; such transfer shall state the date and cause of sale and the price and shall have the effect upon confirmation of the same by a judge of vesting the land in the purchaser or his assigns in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear; such transfer shall be in the form following or to the like effect:

TRANSFER OF LAND ON SALE FOR TAXES.

I, _____ of the town of _____ in the
Province of Saskatchewan, secretary treasurer of the town of _____
by virtue of the authority vested in me by
The Town Act to sell lands for arrears of taxes do hereby in
consideration of the sum of _____ dollars
paid to me by _____ of _____
being the price for which the said land was sold at a sale by
me on the _____ day of _____ 19____
for arrears of taxes due on said land to the said town, transfer
to the said _____ all that piece of land being

In witness whereof I have hereunto set my hand and the
corporate seal of the said town this _____ day of _____ 19____
Signed by the above named }
in the presence of }

AFFIDAVIT OF WITNESS TO BE INDORSED ON TRANSFER.

Canada: _____ }
Province of Saskatchewan } I,
To wit: _____ } of _____ (residence)
_____ } in the Province of Saskatchewan
_____ } (occupation) make oath and say:

1. That I was personally present and did see
named in the within instrument who is personally

known to me to be the person named therein, he being the secretary treasurer of the town of _____, duly sign and execute the within instrument for the purpose named therein;

2. That the said instrument was executed in the town of _____, in the Province of Saskatchewan and that I am the subscribing witness thereto;

3. That I personally know the said _____ and he is in my belief of the full age of twenty-one years.

Sworn before me at
in the Province of Saskatchewan }
this _____ day of _____ 19 ____ . }

358. Such transfer shall not only vest in the purchaser or his assigns, as the case may be, all rights of property which the original holder had therein but shall also purge and discharge such lands from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the town or Crown; and whenever lands are sold for arrears of taxes and the secretary treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described; also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

- (a) Fraud or collusion;
- (b) That all taxes have been paid;
- (c) That the land was not liable to assessment.

359. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour or right whatever; and the town in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary treasurer and legal interest thereon as for damages or otherwise and such costs as the court may award; but the tax purchaser or his assigns shall have a lien on the lands for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same were so paid.

Lands in
which
Crown is
interested

Invalid sale

Tax sale
fund

360. The secretary treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sale fund; and the secretary treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the town and the said town shall for ever be discharged from any claim on account thereof.

Claims
against fund

361. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned:

Provided that written notice is served upon the secretary treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the town to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary treasurer and shall be the warrant and authority for making such payment.

Judge's
order

362. In seeking to obtain a judge's order any claimant upon said fund shall in person or by solicitor petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge; and the facts set forth in the petition shall be verified by

affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim; and the said judge may in his discretion require the claimant to serve a notice of his application upon the town or publish the same in any manner he may deem proper or to substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary treasurer.

363. The same fees shall be paid upon an application **Fees** made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding.

364. In any case where the judge deems it advisable to **Costs** order notice to be served upon the town he shall in the final decision of the question if the claimant is successful order the costs of the town to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court for the costs of the town after taxation thereof or as allowed by the judge.

365. The fact of claiming any surplus held to the credit **Effect of making claim** of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale; and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

366. In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of the said sale being the time within which only any such action can be brought or proceeding taken for that purpose the plaintiff shall within ten days after commencing his action or proceeding cause the secretary treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried; and in case the plaintiff succeeds the judge or court shall order said surplus to be repaid to the defendant, the tax sale purchaser or

his proper representatives; and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of such land and the person entitled to the said surplus money according to the true intent and meaning of this Act then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered to pay.

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificate of title has not been granted.

**Liability
of town**

367. In no case shall the town be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom except in case of a sale held void by a competent court in which case the costs shall be in the discretion of the said court.

LOCAL IMPROVEMENTS.

**Interpre-
tation**

368. The term "local improvements" shall be taken to mean:

- (a) The opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking of any street or public lane, alley, way or place; or
- (b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) The curbing, sodding, boulevarding or planting of any street or public lane, alley, square or other public place; or
- (d) The making, deepening, enlarging or prolonging of any common sewer; or
- (e) The constructing of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
- (f) The reconstructing (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof; or
- (g) The repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet measured along the front or other abutting portion of the said several

lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on the said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made:

Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement; such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement; and

Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or lots or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid; such lot or lots, parcel or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances; *sewers*

Provided that in case of sewers if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the town account relating to sewers; but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such lands abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption. *sewer*

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of the local improvement whether or not such

land abuts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefited by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement to such total charge.

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discounts and interests.

Amount of
assessment
and mode of
collection

369. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per cent. per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general town taxes:

Provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

Procedure
bylaws

370. The council may pass bylaws:

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the town at large and in the case of special frontage assessment what lands shall be assessed in an exceptional

See 364 subsec 2)
mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment;

and it is hereby declared that a bylaw or bylaws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special bylaw in each particular instance:

- (b) For borrowing by the issue of debentures upon the credit of the town at large the money required to meet the whole or any part of the costs of any local improvement provided (1) that bylaws for the purpose of raising money in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the town at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is to be borne by the town at large or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of the ratepayers to the passing of any bylaw for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any bylaw for raising such portion of the costs as is to be borne by the town at large of an extension of a town system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the town at large shall be greater than can be properly paid out of the current revenue of the town for the current year; and (4) that nothing herein contained shall be construed as authorising an extension of the general debt of the town beyond the limits thereof fixed by this Act;
- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the town at large the whole or any part of the cost of a local improvement provided that section 185 hereof shall not apply to the case of such temporary loans;

and it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are

secured by special assessments therefor form no part of the general debt of the town within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any bylaw for borrowing money but it shall be sufficient to state in any such bylaw that the amount of the general debt of the town as therein set forth is exclusive of local improvement debts secured by special assessments.

Petition
or notice

371. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided:

- (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;
- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:
Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.
- (2) (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published in the town;

- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year;
- (c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

372. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained. Time of making improvement

373. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realised to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid. Invalid assessment

374. There shall be rights of appeal against every assessment made under the authority of any bylaw passed respecting local improvements in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment. Appeal

375. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth: Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the local improvement;
- (d) The portion, if any, of the cost to be borne by the town at large;

- (e) The portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

Evidence of **376.** A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

Quashing **377.** No assessment under the provisions of this Act respecting local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of sections 232 and 233 hereof and before the date fixed for the sittings of the court of revision.

Decision of the council **378.** The decision of the council subject to an appeal to a judge by the like procedure and as in like cases under the provisions of this Act shall be final and conclusive upon all matters respecting the assessment and special rate and the council and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Contents of bylaw **379.** The moneys required to pay the costs of local improvements may be borrowed under the authority of one or more bylaws; and the portion payable by way of special assessment and the portion to be borne by the town at large may be provided for in one or more separate bylaws; and every bylaw providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise:

1. The amount of the debt which such bylaw is intended to create and in general terms the object for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under the bylaw and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;

3. The total value of the land charged with the special assessment and if any portion of the debt created by such bylaw is to be borne by the town at large the value of the whole ratable property of the town according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the town at large; but as to so much as is not to be paid by the town at large the town is to collect the same only by way of special assessment as aforesaid.

PART VII.

Highways and Public Places and Actions by and Against the Town.

HIGHWAYS AND PUBLIC PLACES.

380. All public roads, streets, bridges, highways, lanes, ^{within the town} alleys, squares or other public places in a town shall be subject to the direction, management and control of the council for the public use of the town.

381. The Lieutenant Governor in Council may by order ^{Without the town} in council direct that any highway, bridge or stream not wholly within the town limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the town.

382. The town may pass bylaws for:

1. The closing and selling or leasing or any public highway ^{Closing, etc., of streets} the fee whereof is not vested in the Crown:

Provided that no such bylaw shall be passed unless at least two weeks' notice of the intention of the council to pass the same be given by registered letter to the persons registered and assessed as the owners of the lands abutting upon the portion of highway so proposed to be closed and sold or leased and published previous to the passing of the bylaw in some newspaper published in the town in at least one number of such paper each week for two successive weeks nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw;

2. Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damage to his land by reason of anything done under the bylaw; such compensation to be determined in the same manner and subject to the same conditions as in the case provided for by sections 334 to 348 hereof inclusive.

Repairs

383. Every public road, street, bridge, highway, square, alley or other public place subject to the direction, management and control of the council including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the town or by any person with the permission of the council shall be kept in repair by the town and on default of the town so to keep the same in repair the town besides being subject to any punishment provided by law shall be civilly responsible for all damage sustained by any person by reason of such default.

Private dedication

384. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by bylaw or has been assumed for public use by the council.

Town's remedy over in action of damages

385. In case an action is brought against the town to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square or other public place placed, made, left or maintained by any person other than a servant or agent of the town or to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the town, the town shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the town.

In same action

386. The town shall be entitled to such remedy over in the same action if the other party is made a party to the action; and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person the town may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the town); and the other person may defend such action as well against the plaintiff's claim as against the claim of the town to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

In separate action

387. If such other person be not a party defendant in such action or be not added as a party defendant or third party or if the town has paid the claims for such damages before any action is brought to recover the same or before the recovery of damages or costs against the town therein the town shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

388. Such other person shall be deemed to admit the validity of the judgment if any obtained against such town in cases only where a notice has been served on such person pursuant to the provisions of *The Judicature Act* or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment. Admission
of third
party's
liability

389. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the town or when damages have been paid without action or without recovery of judgment against the town the liability of the town for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the town to recover in such action. Nonadmis-
sion of
liability

390. Where the town and an adjacent municipality or adjacent municipalities are jointly liable for the keeping in repair a public road, street, bridge, stream or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair; and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly. Joint
liability

391. Nothing contained in sections 383 or 384 hereof shall cast upon the town any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the town has no control where the town is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a bylaw, resolution or license of the council. Limitation
of liability

392. Where an action may be brought against the town by any person who has suffered damages by reason of the default of the town in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against No liability
on officer of
town

any member of the council or officer or employee thereof personally but the remedy thereof shall be wholly against the town.

(2) This section shall not affect the liability of a mere contractor with the town nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

ACTIONS BY AND AGAINST TOWN.

Rights as in
proceedings

393. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the town shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

Notice of
action in
certain
cases

394. In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the town; and every such action shall be brought against the town alone and not against any person acting under the bylaw or resolution.

Tender of
amends

395. In case the town tender amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

EXECUTIONS AGAINST TOWNS.

Procedure
on writs of
execution
in sheriff's
hands

396. Any writ of execution against a town may be indorsed with the direction to the sheriff of the judicial district in which the town is to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Copy
writ to be
delivered to
secretary
treasurer

Demands for
payment

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary treasurer of the town with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the town and shall in like manner as rates are struck for general town purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary treasurer of the town and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

4. At the time for levying the annual rates next after the receipt of such precept the secretary treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the town of (as the case may be) adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary treasurer for the general purposes of the town.

6. In case the secretary treasurer of any town against which an execution has issued is not paid by percentage fixed by bylaw of the town he shall be paid for such collections a sum not exceeding two and one-half per centum.

397. The secretary treasurer and assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

PART VIII.

Penalties.

398. Any person who shall either directly or indirectly, personally or through any servant, employee or agent:

Setting fires
within town

- (a) Kindle a fire or let it run at large on any land not his own property;
- (b) Permit any fire to pass from his own land; or
- (c) Allow any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large;

Penalty

shall be guilty of an offence and shall on summary conviction thereof be liable to a penalty of not less than \$25 and not more than \$200 and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire.

Application
of fines

399. Any penalty or fine under any bylaw of the town shall if no other provision is made respecting it belong to the town for the public use of the same and form part of the general revenue of the town.

Transporta-
tion and
maintenance
of prisoners

(2) In the event of any person being committed to gaol by reason of a breach of any bylaw of the town there shall be chargeable to such town such part of the expenses paid by Saskatchewan for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

400. The council may by any bylaw:

Amount of
penalty, etc.

1. Impose a penalty not exceeding \$100 exclusive of costs for breach of any provision of any bylaw;

2. Enact that in case the conviction be for the nonpayment of any license fee payable to the town under the provisions of any bylaw of the town the convicting justice may adjudge payment thereof in addition to the penalty.

Recovery

401. Any such penalty and license fee may unless other provision is specially made in respect thereof be recovered and enforced with costs by summary conviction before any police magistrate or justice of the peace having jurisdiction in the town and upon default of payment the person convicted may be committed to jail or to the guard room of the Royal North-West Mounted Police force or to any public lockup for any time determined by the said police magistrate or justice not exceeding thirty days and with or without hard labour unless such penalty, license fee and costs including the costs of the committal and of the conveyance of the person convicted to the said jail, guard room or lockup are sooner paid:

PART IX.

Miscellaneous

GOVERNMENTAL COMMISSION OF INQUIRY.

402. In case one-third of the members of the council or one-fourth of the electors of the town petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the town the Lieutenant Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 12 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Inquiries concerning Public Matters*.

JUDICIAL COMMISSION OF INQUIRY.

403. In case the council pass a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the town or of any person having a contract therewith in relation to the duties or obligations of such person to the town or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 12 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Inquiries concerning Public Matters*; and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 244 hereof.

(3) The council requesting any such investigation may engage and pay counsel to represent the town therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the town; and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by council thereon.

404. The council may at any time by resolution appoint a committee of its members to investigate any charge which

Investigation by committee of the council

may be made against any employee of the town and the committee so appointed may summons such employee before it to answer the charge and shall have power to summons witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

Erection of
towns into
cities

405. The Lieutenant Governor in Council may by proclamation to be published in *The Saskatchewan Gazette* declare any town which has a population of five thousand or more to be a city and thereafter all the provisions of *The City Act* shall apply thereto; and until a new council is elected under *The City Act* the head and members of the council of the town existing at the time of the coming into force of *The City Act* shall be deemed and taken for all purposes to be the head and members of the council of the new city and all the officers of the town shall be and become officers of the new city and shall hold office until their successors are appointed; and until altered under the authority of *The City Act* all bylaws, contracts, property, assets, rights and liabilities of the town as existing at the time of the coming into force of *The City Act* shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the new city.

COMING INTO FORCE OF ACT.

Coming into
force of Act

406. The Lieutenant Governor in Council may by proclamation published in *The Saskatchewan Gazette* provide the time and manner of the coming into force of this Act and of any part or parts thereof and the said Act or part or parts thereof mentioned in the said proclamation shall come into force at the time and manner set forth in said proclamation or proclamations if more than one.

✓ 1908

CHAPTER 18.

An Act respecting Villages.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Village Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the Interpreta-
tion
expression:

1. "Commissioner" means the municipal commissioner for Commis-
sioner
Saskatchewan;

2. "Village" means any village municipality now existing Village
and any village municipality organised under the provisions
of this Act;

3. "Council" means the council of a village; Council

4. "Councillor" means a member of the council of a Councillor
village;

5. "Resident elector" means:

(a) For the purpose of any village election held prior Resident
elector
before
completion
of assess-
ment roll
to the completion of the first revised assessment roll
of the village any person of the full age of twenty-
one years who is actually residing in the village and
who has so resided therein and owned or been the 6p. 2nd ed. 1899 p 184
occupant of assessable real or personal property
therein as provided by this Act for a period
of at least two months immediately prior to the date
of such election ;

(b) After the completion of the first revised assessment Resident
elector
after
completion
of assess-
ment roll
roll of the village any person of the full age of 4th ed. 1909 p 184
twenty-one years actually residing in the village
whose name appears on the last revised assessment
roll of the village;

6. "Elector" means any person of the full age of twenty- Elector
one years whose name appears on the last revised assessment
roll of the village as the owner of assessable property therein;

- Judge** 7. "Judge" means a judge of the district court for the judicial district in which the village is situated;
- Person** 8. "Person" includes corporations, joint stock companies and partnerships;
- Secretary treasurer** 9. "Secretary treasurer" means the secretary treasurer of the village;
- Assessor** 10. "Assessor" means the assessor of the village;
- Land** 11. "Land" or "property" includes lands, tenements and hereditaments and any estate or interest therein;
- Owner** 12. "Owner" includes any person who has any right, title or estate or interest other than that of a mere occupant;
- Occupant** 13. "Occupant" means any person who occupies any land under any title whatsoever;
- Income** 14. "Income" means the profit or gain (whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling) directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business; and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever;
- Hawker or pedler** 15. "Hawker" or "pedler" means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the village to any person not being a wholesale or retail dealer in such goods, wares or merchandise; but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail.
- Deviation from forms** 3. Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.
- Power to alter or revoke bylaws** 4. Where power to make bylaws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others.
- Extension of time** 5. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain things are to be done or proceedings had then notwithstanding anything herein contained if

default be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

6. If anything to be done by or under this Act at or within a fixed time cannot be or is not done the commissioner may from time to time appoint a further or other time for doing the same. whether the time within which the same ought to have been done has or has not expired.

Extension of time by order of commissioner

PART I.

CONTINUATION OF EXISTING VILLAGES.

7. Every village existing at the time of the coming into force of this Act shall continue as such with the boundaries thereof as then established and the inhabitants thereof shall be a body corporate and the overseer of every such village shall continue to exercise the powers then vested in him until the election of a council under the provisions of this Act; and notwithstanding the repeal of *The Village Act* being chapter 35 of the Statutes 1906 as hereinafter provided all the provisions of the said Act in so far as the said villages are concerned shall continue in force until the first day of November, 1908.

Continuation of existing villages

(2) The contracts, property, rights, assets and liabilities of every village when this Act takes effect shall be deemed to be the contracts, property, rights, assets and liabilities of every such village respectively as continued under and subject to the provisions of this Act.

ORGANISATION AND ERECTION OF VILLAGES.

8. No portion of the province shall be erected into a village with an area greater than six hundred and forty acres of land and no such portion of the province shall be so erected unless it contains not less than fifty persons actually resident therein.

Area and population

9. Whenever the residents of any portion of the province deem it advisable that such portion should be erected into a village they shall apply to the commissioner for a form of petition which form shall be supplied by him.

Erection of villages

10. Every petition for the erection of a village shall be in such form as is prescribed by the commissioner and shall be signed by at least ten persons who actually reside within the limits of the proposed village.

Form and requisites of petition

(2) Every signature to every such petition shall be verified by the statutory declaration of some person signing such petition.

(3) There shall be annexed to every petition a map or plan showing in detail the limits of the proposed village.

Name of
poster

11. Every petition shall set forth the name and address of some responsible person or persons residing in the proposed village who will undertake on behalf of the petitioners to post up the notices required by the next following section.

Procedure
on receipt of
petition

12. Upon receipt of any such petition the commissioner shall forthwith require the person or persons referred to in the next preceding section to post up a notice which shall be in such form as is prescribed by the commissioner setting forth a time not less than three full weeks from the posting thereof during which complaints may be lodged with the commissioner against the organisation of the village and every such complaint shall state clearly the reasons why the complainants are opposed to such organisation of the village.

Posting
notices

13. Every such notice shall be posted in the post office, if any, within the limits of the proposed village and in three other separate public places therein.

Proof of
posting
notices

14. Satisfactory proof that the notices hereinbefore mentioned have been posted up shall be furnished to the commissioner by a statutory declaration in form prescribed by him.

Commis-
sioner's
order
declaring
village
erected

15. If in the opinion of the commissioner no sufficient cause is shown why the organisation of the village should not be proceeded with he shall by written order:

- (a) Declare the village to be erected and assign to it a name;
- (b) Fix a day, hour and place for the nomination meeting for the election of a council;
- (c) Appoint a suitable person to act as returning officer at such election;
- (d) Fix a day, hour and place for the first meeting of the council.

Notice of
erection to
be published

16. Notice of the erection of a village, giving its name and a description of its boundaries shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the erection of the village and that all the necessary formalities required by this Act have been complied with.

ALTERATIONS IN BOUNDARIES OF VILLAGES.

Alterations
in boundaries
of villages

17. The commissioner may by order notice of which shall be published in *The Saskatchewan Gazette*:

1. Sever any portion of a village and annex the same to any adjoining municipality;

2. Annex to any village any outlying area adjacent to but not included within the limits of any city, town or village;

3. Alter and adjust the boundaries of two or more coterminus or adjacent villages or rural municipalities.

18. In the event of the boundaries of any village or rural municipality being altered in any manner as provided in the next preceding section the commissioner shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration including the disposition of the assets and liabilities of the municipalities affected; and every decision of the commissioner approved of as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned.

Settlement and adjustment incident to alteration of boundaries

MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES.

19. No order purporting to be made under sections 15 and 17 of this Act shall be deemed invalid on account of any noncompliance with any of the matters required by the said Act as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in any wise suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

Misdescription and errors in defining boundaries

20. Any misdescription or other error in any order made by the commissioner under the provisions of this Act may by any subsequent order be corrected and confirmed with such correction as to the date on which it was made by the commissioner

Corrected by commissioner's order

BOUNDARY LINES OF VILLAGES.

21. For the purpose of defining boundaries of a village municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be paced under a survey made or to be made pursuant to *The Dominion Lands Act* being chapter 55 of *The Revised Statutes of Canada 1906* or pursuant to any Act or Acts which may be passed in amendment thereto or in substitution therefor shall be the boundaries either of townships or of sections:

Boundaries of townships and sections for the purpose of this Act

Provided, however, that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of all Indian reserves shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

25. The councillors elected at the first election shall if ^{Tenure of office} such election be prior to the first day of July hold office to the end of the then calendar year and if such election be not prior to the first day of July till the end of the then next ensuing calendar year and thereafter every member of the council shall hold office for one year.

(2) Every member of the council shall hold office until his successor is elected.

26. Every member of the council and every officer of the village shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, ^{Declaration of office} faithfully and impartially, to the best of my knowledge and ability execute the office of (*inserting the name of the office*) to which I have been elected (*or appointed as the case may be*) and that I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office and that I have not by myself or partner either directly or indirectly any interest in any contract with or on behalf of the said municipality except that arising out of a contract for the publication of any advertisement in a public newspaper, save and except that arising out of my office as (*naming the office*).

So help me God.

(2) The person making such declaration shall before ^{Deposit of declaration} entering upon the duties of his office deposit the same in the office of the secretary treasurer; provided that in the case of the councillors first elected the said declaration shall be handed to the chairman at the first meeting of the council to be afterwards deposited by him with the secretary treasurer.

NAME.

27. The name of every village corporation continued or ^{Name of village} organised under this Act shall be "The Village of (*naming the same*)."

CHANGE OF NAME.

28. The commissioner may from time to time alter the ^{Change of name} name of any village upon the petition of the council and notice of such alteration shall be published in *The Saskatchewan Gazette*; and in such case the seal theretofore used by such village shall continue to be the seal thereof until changed by the council.

29. No change in the name of any village made in accordance with the provisions of the next preceding section shall ^{Change not to affect existing rights and obligations} affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

MEETINGS OF COUNCIL.

Meetings of
council

30. The first meeting of the council in each year following the organisation of the village shall be held on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

Chairman

31. The council shall at its first meeting elect a chairman who shall preside at all meetings of the council and the said chairman shall be styled overseer of the village.

Meetings

32. The council may at any meeting at which all the members of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

Special
meetings

33. A special meeting of the council shall be called by the secretary treasurer when he is required so to do in writing by any two members of the council; and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be delivered personally by the secretary treasurer to every member of the council or in case of the absence from the village of any member of the council to some adult person at the residence of such member.

(2) No business other than that stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present in which case by unanimous consent any other business may be transacted.

Notice of
meeting
may be
waived

34. The council may by unanimous consent waive notice of any special or other meeting at any time but every member of the council must be present at such meeting.

Place of
meeting

35. Every meeting of the council shall be held in the village.

PROCEEDINGS AT MEETINGS.

Council
may make
rules as to
procedure

36. Every council may make rules and regulations for governing its proceedings, calling meetings, the conduct of its members and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act.

Quorum

37. A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum.

38. The overseer shall preside at every meeting of the council and he shall preserve order and enforce the rules of the council. ^{Overseer to preside}

39. In the absence of the overseer from any meeting another member of the council shall be elected as chairman and during such meeting shall have the same authority as the overseer would have had. ^{Chairman to be appointed in absence of overseer}

40. No act or proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present. ^{Quorum necessary to validate proceedings}

41. Every matter shall be submitted to the council on the motion of the overseer or any member thereof and no seconder shall be required. ^{Motions}

42. At every meeting of the council all questions shall be decided by the majority of the votes and the overseer or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative. ^{Majority vote}

43. The overseer when present and all the councillors present must vote in council on every division. ^{Compulsory voting}

44. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who is guilty of improper conduct at such meeting. ^{Meetings to be open to the public}

45. If so requested at any time by the written petition of five electors the overseer shall by public notice conspicuously posted in at least three widely separated places in the village call a public meeting of the electors for the discussion of municipal affairs or of any matter relating thereto. ^{Public meeting of electors}

OVERSEER.

46. The overseer shall be the chief executive officer of the village and it shall be his duty to be vigilant and active in causing the laws governing the village to be duly executed, to inspect the conduct of all village officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the village. ^{Overseer}

VACANCIES.

Vacancies

47. Any councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary treasurer and every such resignation shall take effect upon receipt of the notice thereof by the secretary treasurer and shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

Seat declared vacant in certain cases

48. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in Saskatchewan respecting insolvency or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three consecutive months without being authorised by a resolution of the council so to do the seat of such person in the council shall forthwith become vacant.

Filling vacancies

49. If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year such election shall not take place.

PART III.

Elections.

Elections

50. Except as provided by section 25 hereof there shall be held annually in every village an election for councillors which election shall be conducted at the time and in the manner hereinafter provided.

MEETINGS FOR NOMINATION OF COUNCIL.

Nomination for first election

51. The nomination meeting for the first election of members of a council for a village erected under this Act shall be held at a time and place and on a day fixed by the commissioner.

Time of nomination meeting for first election

52. The nomination meeting for the first election of members of a council for a village existing at the time of the coming into force of this Act shall be held at the time herein provided for annual village elections and for the purpose of providing for such election the overseer of the village shall exercise the powers conferred by this Act on village councils.

53. In the case of all subsequent annual elections the council shall by resolution at least two weeks prior to the last Monday of November in each year:

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the village;
- (c) Name a polling place which shall be within the village.

54. Every annual meeting called for the nomination of members of a council shall be held from one o'clock to two o'clock in the afternoon (mountain standard time) of the first Monday of December in each year.

OATHS OF OFFICE.

55. Every returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before any person authorised to administer oaths within the province the following oath:

FORM OF OATH.

Canada:
Province of Saskatchewan.
To wit:

I,
of _____ in the Province of Saskatchewan,
(*occupation*) do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the village of _____ on the _____ day of _____ 19____; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.

Sworn before me at _____
in the Province of Saskatchewan }
this _____ day of _____ 19____ }

.....
A J.P., N.P. or Commr. for Oaths.

56. It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

NOTICE FOR NOMINATION FOR ELECTIONS.

Village of _____ Municipal elections 19 ____
 Public notice is hereby given that a meeting of the resident electors of the village of _____ will be held at _____ (description of place) on (day of week) the _____ day of 19 __, from one o'clock to two o'clock in the afternoon (mountain standard time) for the purpose of nominating candidates for election to the council of the said village.
 Given under my hand and seal at _____ this _____ day of _____ 19 ____.

.....
Returning Officer.

(2) Every such notice shall be posted in at least three widely separated conspicuous places in the village and in case there is a post office in the village a copy of the said notice shall be conspicuously posted therein.

PROCEEDINGS AT NOMINATION MEETINGS.

Proceedings
at nomination
meetings

57. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as councillors for the village and the meeting shall remain open from one until two o'clock in the afternoon (mountain standard time) when if the number of persons nominated to serve as councillors does not exceed the number required to be elected the returning officer shall declare the persons so nominated duly elected.

Form of
nomination
papers

58. Every nomination shall be in writing in the form following and shall be signed by at least two resident electors of the village:

NOMINATION PAPER.

We, the undersigned resident electors of the village of _____ hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of councillors for the said village.

Witness our hands this _____ day of _____ 19 ____.

Signatures of Resident Electors.

Candidate's
acceptance

59. Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for election and that he will accept office if elected.

CANDIDATE'S ACCEPTANCE.

Form of
acceptance

I, the above named _____, hereby state that
I am eligible for election as councillor of the village of _____
and that I will accept office if elected.

Signed in the presence of

.....
Name of Witness.

.....
Name of Candidate.

60. In the event of more than the required number of ^{Declaration} ^{of poll} persons being nominated the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next week following) and the place where the votes are to be polled and also the time and place at which the result of the polling will be declared.

61. Any candidate nominated may withdraw at any time ^{Withdrawal} ^{of candidate} within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

62. If by reason of any such withdrawal or withdrawals ^{Abandonment} ^{of} the number of candidates remaining in nomination for any ^{poll} office does not exceed the number required by this Act to be elected the polling shall not take place but the returning officer shall forthwith declare the persons nominated to be elected and post up a notice in the following form:

NOTICE.

Village of _____ Municipal Elections 19 ____
Whereas _____, nominated for the office of councillor has withdrawn his candidature for the said office, leaving _____ the only candidates for election to the council of the said village I hereby give notice that no voting for the said office will take place on the day of (*date of polling*).

Dated under my hand at _____ this _____ day
of _____ 19 ____

.....
Returning Officer.

TIME AND NOTICE OF POLL.

63. Whenever a poll is required to be taken for the elec- ^{Time} ^{of} ^{poll} tion of councillors it shall be held on the same day of the week as the nomination for the said election but in the next week

following and every such poll shall be open from the hour of ten o'clock in the forenoon to four o'clock in the afternoon (mountain standard time).

Notice of
poll

64. Notice of every such poll required to be taken shall without any unreasonable delay after the nomination be posted up by the returning officer in the manner provided by section 56 hereof and every such notice shall be in the form following:

NOTICE OF POLL.

Village of _____ Municipal Elections, 19 ____
Public notice is hereby given that a poll has been granted for the election of councillors for the said village for the year 19 ____ and the polling will take place on (*day of week*) the day of _____ 19 ____ from ten o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) at (*specify polling place*) and that I will at (*describe the place*) on (*day of week*) the _____ day of _____ 19 ____ at noon sum up the votes and declare the results of the election.

Given under my hand at _____ this _____ day of _____ 19 ____ .

.....
Returning Officer.

PREPARATIONS FOR POLL.

Polling
place

65. In the case of the first election held in every village the returning officer shall if a poll is to be taken secure a suitable polling place which place shall be within the village.

Poll clerk

66. If so authorised by the council the returning officer may appoint a poll clerk who in the absence of the returning officer for any cause shall have all the powers of the said returning officer.

Ballot box

67. The returning officer shall procure a suitable ballot box to be made of some dry durable material and such box shall be provided with a lock and key and shall be so constructed that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

Ballot
papers

68. The returning officer shall also cause to be printed or prepared a supply of ballot papers sufficient for the purposes of the election.

Ballot
papers
either
written or
printed

69. The ballot papers shall be either printed or written or partly printed and partly written.

70. The ballot papers shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form: Form of
ballot
papers

VILLAGE OF

Councillors.

Black, William	
Foster, Henry	
Smith, Frank	

71. The returning officer shall before the opening of the poll cause to be prepared such number of printed or written directions for the guidance of voters in voting as he may deem sufficient. Directions
for guidance
of voters

(2) Such directions shall be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes or at any other place within the division which contains the name of such candidate.

The voter will fold up the ballot paper so as to show the initials of the returning officer signed on the back and leaving the compartment will without showing the front of the ballot paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the returning officer who will give him another ballot paper.

If the voter votes for more or less candidates than he is entitled to vote for his ballot paper will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour.

PROCEEDINGS OF POLL.

Proceedings
at poll

72. On the day fixed for the taking of the poll the returning officer shall be present at the polling booth at least fifteen minutes before the time fixed for opening the poll.

Voting com-
partments

73. The polling booth shall be furnished with a compartment which may be arranged by hanging a screen in which the voters can mark their ballot papers without being seen and it shall be the duty of the returning officer to see that such compartment is provided.

Posting up
of directions

74. The returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth as well as in the compartment in the polling booth a copy of the directions referred to in section 71 hereof.

Secretary
treasurer to
deliver last
revised
assessment
roll to
returning
officer

75. The secretary treasurer shall prior to every election deliver to the returning officer the last revised assessment roll of the village and furnish him with at least two copies of section 119 hereof and it shall be the duty of the returning officer to post the same in conspicuous places at the polling place and to see that they are kept so posted up during the hours of polling.

Poll book

76. The returning officer shall also keep or if there be a poll clerk require such poll clerk to keep a poll book in which shall be entered the record of the poll and such poll book shall be in the following form:

POLL BOOK.

For the Village of _____ of _____
Election held this _____ day of _____ 19____ for the
election of councillors.

Name of Voter	His No. on Assess- ment Roll	Voted	Sworn or refused to swear	Remarks

Agents of
candidates

77. Any person producing to the returning officer written authority from a candidate to represent him as agent at the polling place shall be recognised as such by the returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

78. The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the poll clerk and the candidates and not more than two agents of each such candidate and one voter. ^{Persons entitled to be present in polling booth}

79. At the time fixed for the opening of the poll the returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated. ^{Opening of poll}

80. The persons entitled to vote for councillors shall be the resident electors of the village. ^{Who may vote}

(2) In the case of every election every voter shall be entitled to and shall vote once only for the full number of persons to be elected thereat and any ballot paper containing votes for more or less than such number shall be rejected.

81. In the case of every election held prior to the completion of the first revised assessment roll of the village every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration: ^{First election}

DECLARATION OF RESIDENT ELECTORS.

Made this day of 19 .

The undersigned severally declare each for himself:

1. That he is of the full age of twenty-one years;

2. That he is actually residing in the village of
and that he has so resided therein for the two months immediately prior to this election.

3. That during the whole of the said two months he has been the owner or occupant of assessable property in the said village, a description of which is set opposite his name.

Name	Property Voted On

(2) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

Elections
subsequent
to the com-
pletion of
assessment
roll

82. In the case of every election held subsequent to the completion of the first revised assessment roll of the village the returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the said roll; and the returning officer or poll clerk shall record in the poll book the name of each such person.

(2) The returning officer shall not permit to vote any person whose name does not appear on the said roll.

Procedure
in voting

83. Before a ballot paper or papers is handed by the returning officer to any voter he shall ask if there is any objection to allowing the person before him to vote and in case any candidate or his agent objects it shall be the duty of the returning officer to administer to such person the following oath:

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of

in the assessment roll now shown to you (*showing the roll to the voter*); that you are of the full age of twenty-one years; that you have not voted before at this election; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election; that you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

Oath to be
noted

84. If the voter takes the said oath the returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact.

Refusal to
swear

85. Whenever a voter is required to take the said oath and he refuses to do so the returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever.

Duty of
returning
officer

86. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided the returning officer shall sign his initials on the back of the ballot paper to which such person is entitled and hand the same to him.

87. The returning officer may and upon request shall ^{Explanation of method of voting} either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

88. In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper the deputy returning officer shall in plain view of the candidates or their agents cause the vote of such person to be marked on a ballot paper or papers for the candidates directed by such person and shall cause the ballot paper to be deposited in the ballot box. ^{Inability, etc., to mark ballot}

89. Every returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper provided for by section 86 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid. ^{Breach of duty by returning officer}

90. Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50. ^{Penalty for plural voting}

91. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. ^{Evidence of voting}

92. Upon receiving the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper in the manner mentioned in the directions contained in section 71 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without showing the front to anyone or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so folded to the returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present in the polling place; and the voter shall forthwith leave the polling place. ^{Marking of ballot}

(2) Whenever the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of

this section the deputy returning officer or poll clerk shall enter in the poll book in the proper column after the voter's name the word "voted."

Secrecy of
votes

93. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Ballot
received but
not used

94. No person who has received a ballot paper shall take the same out of the polling place and any person having so received a ballot paper who leaves the polling place without first delivering the same to the returning officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

Ballots
spoiled
before
voting

95. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the returning officer the ballot paper so inadvertently dealt with receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him and shall preserve the same.

PROCEEDINGS AT CLOSE OF POLL.

Close of poll

96. Immediately at the hour of four o'clock in the afternoon (mountain standard time) the returning officer shall declare the poll closed:

Provided that in case when the poll is so closed there is a voter in the polling booths who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

Procedure
on close of
poll

97. Immediately after the close of the poll the returning officer shall in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed as follows:

1. He shall examine the ballot papers individually and any ballot paper which is not initialed as herein provided or on which more or less than the required number of votes is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

3. The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The date of election;
- (b) The number of persons who voted;
- (c) The number of votes for each candidate;
- (d) The number of rejected ballot papers;

4. Upon the completion of the written statement it shall be signed by the returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement;

5. The returning officer upon being requested so to do shall deliver to each of the persons authorised to attend at the polling place a certificate of the number of votes given for each candidate and of the number of rejected ballot papers;

6. The returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) The ballot papers counted;
- (b) The ballot papers rejected;
- (c) The unused and cancelled ballot papers;

7. The returning officer shall then place all the said packets in the ballot box which shall be sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

98. Before leaving the polling booth the returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, _____, returning officer,
hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll book have been correctly made.

Dated this _____ day of _____ 19 .

.....
Witness.

.....
Returning Officer.

Declaration
of election

99. At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall publicly declare to be elected the candidate or candidates having the highest number of votes and he shall also publicly declare the number of votes polled for each candidate.

Returning
officer to
give casting
vote

100. In case it appears upon the casting up of the votes as aforesaid that two or more candidates have an equal number of votes the returning officer shall at the time when he declares the result of the poll give a casting vote so as to decide the election and except in such case no returning officer shall vote at any election.

Return by
returning
officer to
secretary
treasurer

101. Forthwith after the election the returning officer shall transmit to the secretary treasurer of the village the sealed ballot box and poll book used in the election and thereafter the said secretary treasurer shall be responsible for their safe keeping and for their delivery when needed.

Destruction
of ballots

102. The secretary treasurer shall unless otherwise ordered by a judge of the district court retain for one month the said ballot box with its seals unbroken and shall then unless otherwise ordered as aforesaid cause the ballot box to be opened and the packets therein to be destroyed in the presence of two witnesses.

Inspection

103. No person shall be allowed to inspect any ballot papers in the custody of the secretary treasurer of a village except under order of a judge of a district court to be granted by the said judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any order for the inspection or production of ballot papers shall be obeyed by the said secretary treasurer.

Order for
inspection

104. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge of a district court thinks expedient.

RECOUNT.

Recount

105. If at any time within fourteen days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to the judge of the district court within which the village is situated that any returning officer in counting the votes given at any election

has improperly counted or rejected any ballot papers the said judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary treasurer of the village whose duty it shall be to be present at the recount with the sealed ballot box and poll book used at the election.

106. At the time of the application for a recount the applicant shall deposit with the clerk of the said district court the sum of \$25 as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the said judge.

Deposit

107. The judge, the clerk of the court, the secretary treasurer of the village and each candidate and his agent or solicitor notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

Persons
entitled to
be present
at recount

108. At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the returning officer as having been given in the election complained of and he shall proceed with such recount as follows:

Procedure
on recount

1. The judge shall examine singly and in the presence of those entitled to be present all ballot papers counted or rejected by the returning officer, as the case may be, and during the course of such examination the judge shall keep a tally or count of votes cast for each candidate and he shall reject as void and shall not count:

- (a) Any ballot paper which is not initialed as herein provided;
- (b) Any ballot paper on which more or less than the proper number of votes are given;
- (c) Any ballot paper on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified;
- (d) Any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; but no word or mark written or made or omitted to be written or made by the returning officer on a ballot paper shall affect the vote;

2. The judge shall take notice of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection and the decision of the judge shall be final;

3. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate and he shall there and then declare elected the candidate or candidates to the required number having the highest number of votes;

4. In case any two or more candidates for the same office have been allowed by the judge the same number of votes he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected;

5. The judge shall then make and transmit forthwith to the secretary treasurer of the village a written statement of the result of the recount and every such written statement shall show:

- (a) The names of the candidates;
- (b) The number of votes allowed for each candidate;
- (c) The number of ballot papers rejected;
- (d) The names of the candidates declared elected.

Quo
warranto
proceedings
preserved

109. Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

Costs

110. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

Scale of
costs

111. The costs shall be on the district court scale and may if the judge so orders be taxed in the same 'manner and' according to the same principles as costs are taxed between solicitor and client.

Execution

112. The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the nonpayment thereof.

GENERAL PROVISIONS.

113. No person who has voted at an election shall in any legal proceedings to question the election or return or otherwise relating thereto be required to state for whom he has voted. Secrecy of votes in legal proceedings

114. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend. Candidate may act for or assist his agent

115. When in this Act expressions are used requiring or authorising any act or thing to be done or implying that any act or thing is to be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it. Candidates and agents

116. No elections shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the poll or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election. Errors not affecting results

117. All reasonable expenses incurred at any election under this Act shall be paid out of the funds of the village upon the production of proper accounts verified in such manner as the council may direct. Expenses

118. All proceedings for contesting in any way an election or the voting on any bylaw under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*. Contesting elections

119. No person shall:

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or

- (e) Apply for a ballot paper in the name of some other person whether that name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing he is the person intended by the name entered on the assessment roll in respect of which he so applies; or
- (f) Having voted once apply again at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

Penalty

(3) A person guilty of any violation of this section shall be liable if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment not exceeding six months with or without hard labour.

**Duties of
election
officers**

120. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information at such counting as to the candidate or candidates for whom any vote is given.

(4) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(5) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

**Penalties
for officials**

121. Every returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 50 to 120 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

PART IV.

Municipal Officials.

APPOINTMENT.

122. Every council shall at its first meeting or so soon thereafter as practicable appoint a secretary treasurer and an assessor who may be the secretary treasurer. Secretary treasurer

123. Every council may also appoint from time to time such other officers as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or any bylaw of the village and may fix the remuneration of any such officer. Appointment of other officials

124. A councillor is not eligible to be appointed to any municipal office. Councillor not eligible

125. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration. Appointments not to be made by tender

126. All officers appointed by the council shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council. Tenure of office

SECURITY.

127. In addition to defining the duties of any officer the council may require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the overseer and shall be laid by him before the council. Security by officials

128. The secretary treasurer shall before entering upon his duties give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust and such security shall be for such an amount as the council deems expedient and shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council. Security by secretary treasurer

(2) The members of any council failing to take such security shall be jointly and severally liable for any default of the secretary treasurer to the extent of the sum or sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer.

(3) Such bond may be in such form as is approved by the commissioner and a duplicate copy thereof shall be forthwith transmitted to the commissioner.

Liability of
officers,
servants,
etc.

129. Every officer, servant or agent of the village shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

SECRETARY TREASURER.

Duties of
the
secretary
treasurer

130. It shall be the duty of the secretary treasurer:

1. To keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the overseer or other presiding officer;
2. To enter in the minutes of every meeting the names of the members of the council present at such meeting;
3. To transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the council which copy may be either written or printed or partly written and partly printed and to prepare a proper index for such bylaws;
4. To take charge of and keep on record all books, papers, accounts, assessment rolls, plans, maps, correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;
5. To faithfully prepare and duly transmit to the commissioner such statements and reports and such other information in regard to the village as may from time to time be required by the commissioner and in such form as he may direct;
6. To receive and safely keep all moneys belonging to the village from whatever source;
7. To deposit daily or as often as the council may direct in some chartered bank designated by the council all moneys received by him;
8. To submit all accounts and charges against the village which he receives for the consideration of the council;
9. To pay all accounts against the village only when they have been passed by the council and certified by the overseer or other presiding officer;

10. To make all payments on behalf of the village by cheque on the chartered bank in which all the moneys of the village are deposited; and every such cheque in addition to being signed by the secretary treasurer shall be countersigned by the overseer;

11. To give and take receipts for all the moneys of the village received and disbursed and to keep on file all vouchers of expenditure;

12. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the commissioner a complete and detailed record of all the financial transactions of the village;

13. To submit to the council at each of its regular meetings or whenever required so to do by the council a balance sheet showing the financial standing of the village;

14. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the village and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office.

131. The financial year of the village shall commence ^{Financial} on the first day of November in each year and close on the ^{Year} thirty-first day of October in the following year. *Rep. law Dec 1909 p 184*

AUDITOR.

132. The council shall on or before the first day of ^{Auditor} November in each year appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary treasurer or who has directly or indirectly any share or interest in any contract made by the village or who is employed by the village in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor.

133. On or before the fifteenth day of November in each year the auditor shall prepare in such form as the commis- ^{Preparation and distribution of abstract of receipts and expenditures} sioner may direct an abstract of the receipts, expenditures and liabilities of the village up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The secretary treasurer on or before the first day of December of each year shall mail a copy of such abstract to the commissioner and every elector of the village.

134. Any elector may inspect the auditor's abstract and ^{Inspection} statement and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

(134a) 1909 p 184

Oath of
office

135. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, *A.B.*, having been appointed to the office of auditor for the Village of _____ do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the village. So help me God.

Made before me at
this _____ day of _____ 19 _____ }
..... }
A Com., N.P. or J.P.

PART V.

Bylaws and General Powers and Duties of Councils.

Bylaws

136. It shall be the duty of the council of every village and every council shall have power to pass such bylaws as it may deem expedient for all or any of the following purposes:

Public
health

1. Providing for the health of the village and the prevention of the spread of infectious and contagious diseases;

Nuisance
grounds

2. Regulating nuisance grounds for the village and making provision for the disposal of refuse by licensing scavengers or otherwise and fixing a schedule of rates to be charged by scavengers;

Cemetery

3. Controlling any cemetery and preventing the burial of the dead within the village;

Hospitals

4. Granting aid for the erection and maintenance of hospitals;

Aid to needy
person

5. Granting aid or relief to any needy person who is a resident of the village;

Trees

6. Providing for planting and protecting trees on highways and public places;

Light
weight

7. Establishing and regulating public markets and imposing penalties for light weight and short measurement and restraining or preventing selling on the streets;

Cruelty to
animals
Dogs

8. Preventing cruelty to animals;

9. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Hawkers
and pedlars

10. Licensing, regulating and governing hawkers and pedlars; but a village license shall not be granted unless the applicant is the holder of a provincial license for hawkers and pedlars.

11. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the village by the party depositing the same and the placing of the same where ordered by the council; Removal of dirt, etc. from roads

12. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the village; Storage of gunpowder

13. Preventing the incumbrance or obstructing of roads, streets, sidewalks and other places by vehicles or other articles or things; Incumbering the streets

14. Regulating the driving and riding of horses and other cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same; Regulating use of bridges and highways

15. Making provision for regulating the use of bridges and culverts within the village by portable steam engines or steam traction engines; Traction engines

16. Making provision for the carrying out of any provincial law regulating the speed of motor vehicles on highways; Motor cars

17. Granting aid to agricultural societies and boards of trade; Aid to agricultural societies

18. Taking the census of the village ; Census

19. Appointing a village constable and license inspector and regulating and defining their duties and fixing their remuneration; Constable and license inspector

20. Regulating and controlling the use of wells and other sources of supply of water for the village and fixing rates to be paid for same and preventing the putting of anything prejudicial to health in any stream or any body of water from which water is taken for use within the village; Wells

21. Regulating the size, structure and number and location of doors in churches, halls or other places of public meeting or places of amusement and also the size and structure of stairs and stair railings in all such buildings; Public buildings

22. For preventing the obstruction of the halls, aisles, passageways, alleys or approaches in or to any church, hall or other place of public meeting during the occupation of the same for a public assemblage; Preventing obstructions in aisles, etc.

23. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them; Clearing snow, etc. by residents

24. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant charging the same against the property as a special assessment to be recovered in like manner as and with other taxes; By non-residents

Assize of
bread

25. Fixing the quality and weight of bread offered for sale or sold within the village and making and enforcing regulations for the sanitary condition of bakehouses and bakeries;

Regulating
food
products

26. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure or forfeiture of such articles offered or exposed for sale;

Slaughter
houses
within
village

27. Preventing the erection and use of slaughter houses within the limits of the village and compelling the removal of any slaughter house therefrom;

Slaughter
houses,
dairies, etc.,
outside
village

28. Inspecting and regulating slaughter houses, dairies and other places either within or outside the area of the village from or through which food is brought for sale within the village and framing and enforcing building and sanitary regulations for the said slaughter houses and dairies;

Pool tables
and bowling
allies, etc.

29. Lencensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table or bowling alley in a place of public entertainment whether such table or bowling alley be used or not and fixing the sum to be paid for a license for each such table or bowling alley and the time such license shall be in force ;

Livery, feed
and sale
stables

30. Controlling, regulating and licensing livery, feed and sale stables within the village;

Milk
dealers,
carriers and
draymen

31. Licensing milk dealers, carriers, draymen and all persons performing work with horses or mules within the village for hire and regulating the same and fixing a schedule of fees to be charged by them;

Noxious
weeds

32. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year;

Fire arms

33. Prohibiting the discharging of fire arms or explosives in the village;

Restraining
animals
running at
large

34. Restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to and sustenance supplied for animals distrained or impounded; for appointing pound keepers and providing sufficient yards, buildings and inclosures for the safe keeping of such animals as it may be the duty of the pound keeper to impound; for appraising the damages to be paid by the owners of animals impounded for trespassing and subject to the provisions hereinafter referred to for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid:

Provided that in addition to any provision that may be contained in any bylaw passed by the council of any village under this clause the provisions of sections 26, 27, 28, 29 and 30 of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed in the case of any proceedings under such bylaw:

Provided however that the sale of any impounded animal as provided for in section 28 of *The Pound District Ordinance* may be held at such place in the village as may be designated by bylaw.

(31) 1909p/85 (136a) 1909p/85

137. Every bylaw under this Act shall be under the seal of the village and shall be signed by the overseer and countersigned by the secretary treasurer and every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at any one meeting of the council except by the unanimous vote of the members present thereat.

Bylaw to be signed and have three distinct readings before passed

138. A copy of any bylaw written or printed and under the seal of the village and certified to be a true copy by the overseer or secretary treasurer shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or secretary treasurer has been forged.

Evidence of its passing

139. When one-third of the resident electors of the village petition the council for the submission of a bylaw on any question concerning a matter within the legislative jurisdiction of the council the same shall be granted and a bylaw introduced by the council within four weeks after the presenting of the said petition which bylaw shall be advertised in some newspaper published in or the newspaper published nearest to the village in at least one number of such paper each week for two successive weeks and finally passed by the council within four weeks of the voting thereon.

Petition for submission of bylaws

140. In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

Validation of bylaws

INFRACTION OF BYLAWS.

141. The council of every village may pass bylaws for inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the bylaws of the village and for reasonable punishment by imprisonment with or

Power to inflict penalties

without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the cost of committal are sooner paid.

Copies of
bylaws to be
sent to
commis-
sione.

(2) Two copies of every bylaw under the seal of the village and certified as correct by the overseer and the secretary treasurer shall be transmitted to the commissioner and no such bylaw shall have any force or effect until one of the said duplicate copies is returned to the secretary treasurer approved by the commissioner.

Penalty to
be paid to
village

(3) Any penalty or fine under any bylaw of a village shall if no other provision be made respecting it belong to the village for the public use of the same and form part of the general revenue of the village.

Cost of
conveyance
to gaol and
maintenance

142. In the event of any person being committed to gaol by reason of a breach of any bylaw of a village there shall be chargeable to such village such part of the expenses paid by the province for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

QUASHING BYLAWS AND RESOLUTIONS.

Motion to
quash

143. Any elector of the village may within two months after the passing of any bylaw or resolution of the council apply to a judge of the district court upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the village and may determine the scale of such costs.

Notice of
motion

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is made.

Proof of
bylaw

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the secretary treasurer and the seal of the village; and the secretary treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

Security for
costs

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into recognisance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

Affidavits of
justification

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the district court with the other papers relating to the motion.

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the district court with the other papers relating to the motion. ^{Payment into court}

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs to be paid out to the applicant in the discretion of the judge according to the result of the application. ^{Payment out of court}

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court. ^{Procedure}

144. Any bylaw which has been procured to be passed through or by means of any violation of the provisions of this Act or *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions herein or therein contained. ^{Bylaws procured by bribery and corruption}

POWERS AND DUTIES OF COUNCILS.

145. In addition to all other duties and powers conferred on councils by this Act the council of every village shall have power:

1. To purchase, lease or otherwise acquire for the use of the village any estate in landed property within or without the village for a public park, recreation grounds, exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon any municipal building: ^{Acquire lands} *Rep new sec 1509p185*

Provided that in any one year no expenditure of more than \$300 shall be incurred under the provisions of this clause until a bylaw shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the village on a bylaw for raising money by way of debentures;

2. To erect, furnish, maintain and repair such buildings as may be beneficial to the village subject to the proviso of clause 1 of this section; ^{Erect buildings}

3. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the village; ^{Weigh scales}

4. To accept and take charge of landed property within the village dedicated for a public park or place for exhibitions; ^{Accept property}

5. To lay out, construct, repair and maintain roads, lanes, bridges, culverts, sidewalks and any other necessary public work in the interests and for the use of the village; ^{Roads}

Drains

6. To construct through lands lying within or without the village such drains as may be expedient to secure the proper drainage of the village and to prevent the obstruction of the same;

Water supply

7. To make provision for a supply of water for the village or any portion thereof;

Ferries

8. To instal and operate within or without the village any ferry if licensed to do so under the provisions of *The Public Works Act*;

Unite with other municipalities

9. To unite with the councils of other municipalities for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities;

Exemption from taxation

10. To exempt in its discretion from the payment of municipal taxes wholly or in part any indigent persons residing within the village;

Expropriation

11. To enter upon and take and use and acquire so much real property as may be required for any highway, road, street, alley, byway, bridge, ferry or other public work in the village without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Ordinance*;

Fire protection

12. To make provision for protection from fire.

(13) 1908-9/147

FUEL YARDS.**Power to establish fuel yards**

146. The council shall have power subject to the approval of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any order in council in that behalf to borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood or other fuel and to temporarily operate fuel yards by purchasing supplies of such fuel and selling and disposing of the same in anticipation of or during a period of such scarcity or failure of supply of fuel or such threatened scarcity or failure of supply thereof as may appear to create an emergency.

HIGHWAYS AND PUBLIC PLACES.**Title to roads, etc.**

147. The title to all public roads, highways, streets and lanes in every village is hereby declared to be vested in the Crown in the right of the province and every such public

road, highway, street and lane shall be subject to the direction, control and management of the council of the village in which it is situated.

148. The Lieutenant Governor in Council may direct that any highway, bridge or stream not wholly within the village limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the village. ^{Without the village}

149. Every council shall keep in repair all sidewalks, bridges, culverts and ferries and the approaches thereto which have been constructed or provided by the village or which if constructed and provided by the province have been transferred to the control of the council and in default of the council so to keep the same in repair the village shall be civilly liable for all damage sustained by any person by reason of such default. ^{Repair of public works}

150. No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice of such action shall have been given to the secretary treasurer of the village within one month after the date upon which such damage was caused. ^{Limitation of actions}

CARE OF SICK.

151. The council ^{shall} ~~may~~ make due provision for the care and treatment of any person who is a resident of the village for ^{at least three months} ~~at least three months~~ who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment. ^{Care of sick Am 1909 p 186}

152. ~~Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the province the board of such hospital may demand from the council a sum not exceeding fifty cents per day for each day's actual treatment and stay in such hospital.~~ ^{If such person is admitted as a patient (or Hospital treatment Am 1909 p 186)}

153. Any sum thus paid by the village to the hospital may be recovered from the said patient by action or by distraint by the secretary treasurer of the village or if deemed advisable it may be added to and form part of the taxes levied by the village against any land owned by the said patient and shall be collectable in the same manner and to the same extent as all other taxes; and in the event of the death of the said patient the council may recover from his administrators and executors the said sum. ^{Reimbursement from patient}

Council may
enter into
an agree-
ment with
hospital

154. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients for such annual sum and subject to such conditions and restrictions as may be agreed upon.

PART VI.

Municipal Loans.

TEMPORARY.

Temporary
loans

155. The council of every village except as hereinafter provided may from time to time by resolution authorise the overseer and secretary treasurer to borrow from any person, bank or corporation such sums of money as may be required to meet the current expenditures of the village until such time as the taxes levied for the current year are available and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid; and every such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which such loan is made and may be secured by the promissory note or notes of the overseer and secretary treasurer given under the seal of the village and on behalf of the council.

(2) In any calendar year the total amount of all loans thus made shall not exceed sixty per centum of the total taxes levied by the village for such year.

Temporary
loan after
July 1st

156. The council of any village organised subsequently to the first day of July in any year may by resolution authorise the overseer and secretary treasurer to borrow from any person, bank or corporation such sum or sums of money not exceeding \$500 as may be required from time to time to meet the current expenditures of the village for the remainder of such year; and every such loan shall be repaid out of and shall be a first charge upon the taxes to be levied for the year next following and may be secured by the promissory note or notes of the overseer and secretary treasurer given under the seal of the village and on behalf of the council.

DEBENTURE LOANS.

Debentures
bylaws

157. Should it appear desirable to the council of any village that a sum of money should be borrowed on the security of the village for the purpose of purchasing or constructing any road, highway, bridge, sidewalk, ferry or other village public work or for the purpose of purchasing or otherwise

acquiring any land, right of way, easement or other interest in any land for the use of the village or for the purpose of draining any portion of the village or for the purpose of providing a supply of water for the village or for the purpose of providing fire protection for the village or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the village or for all or any of the said purposes it shall pass a bylaw to that effect which may be in such form as is prescribed by the commissioner or to the like effect and which shall be under the corporate seal of the village.

158. Within fifteen days from the passing of the bylaw the council shall give notice to the electors of the village of its intention to apply to the commissioner for authority to borrow the amount specified in the bylaw and on the conditions therein set forth. Notice to electors

(2) Every such notice shall be in the form prescribed by the commissioner and shall be given by notices posted in the manner provided by section 56 hereof and shall state the day of posting the same.

159. If within fifteen days from the date of the posting of the said notice one-fourth of the resident electors of the village demand a poll of the electors for and against the said bylaw such poll shall be held as hereinafter provided. Notice concerning poll on debenture

(2) Every demand for a poll shall be in writing and shall be accompanied by an affidavit of one or more resident electors proving the signatures attached to such demand.

(3) Every demand for a poll shall be delivered to the secretary treasurer of the village or in his absence to the overseer and a certified copy of such demand shall be forthwith transmitted to the commissioner.

160. In the event of a poll not being demanded as hereinbefore provided the secretary treasurer shall forthwith transmit to the commissioner: Certificate from secretary treasurer to commissioner re passing of bylaw

(a) A certified copy of the bylaw under the seal of the village;

(b) A certified copy of the notice provided in section 158 hereof and a statutory declaration or declarations proving the posting of such notice and that a poll has not been demanded;

(c) A statutory declaration showing the total value of assessable real property in the village as shown by the last revised assessment roll thereof;

and upon receipt of the same and upon being satisfied that the several conditions required by this Act have been substantially complied with the commissioner may in writing

authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum and notice of such authorisation shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

Poll to be taken

161. In the event of a poll being demanded as provided by section 159 hereof the council shall by resolution fix a time for holding the said poll, appoint a returning officer, name a polling place and appoint a time and place when and where the returning officer shall sum up the votes given for and against the bylaw.

Notice of poll

162. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 159 hereof and every such notice shall be in the form prescribed by the commissioner.

Proceedings at poll, etc.

163. At the day and hour fixed by the said notice a poll shall be taken and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be at an election for councillors.

Ballot paper

164. The ballot papers for voting on the bylaw shall be in the following form:

Bylaw.	
For.	
Against.	

Agents at poll

165. On the application of any person interested in promoting or opposing the bylaw the overseer shall authorise the attendance of two persons on behalf of the party applying at the polling place and at the final summing up of the votes.

One vote only

166. Every elector shall be entitled to vote once only on the bylaw.

Declaration of poll

167. The returning officer shall at the time and, place appointed by the council in the presence of those authorised to attend or such of them as may be present sum up the number of votes for and against the bylaw and shall then and there declare the result and forthwith certify the same to the council under his hand.

168. In the event of a recount not being applied for within the time specified by section 105 hereof the secretary treasurer shall forthwith forward to the commissioner:

Certificate from secretary treasurer concerning passing of bylaw

- (a) A certified copy of the bylaw under the seal of the village;
- (b) A certified copy of the notice provided in section 158 hereof and a statutory declaration or declarations proving the posting of such notice;
- (c) A statutory declaration showing the total value of assessable property in the village as shown by the last revised assessment roll thereof;
- (d) A certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary treasurer after such recount has been held shall transmit to the commissioner the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

169. Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with and that the bylaw has received the assent of two-thirds of the electors voting thereon the commissioner may in writing authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum; and notice of such authorisation shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

Commissioner's authorisation of bylaw

170. Whenever the council of any village is authorised by the commissioner to borrow any sum of money as herein provided the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorised or of any less sum upon the terms specified in the bylaw; and the debenture or debentures and the coupons thereto attached when signed by the overseer and secretary treasurer of the village and sealed with the corporate seal thereof and when the commissioner shall have countersigned the debenture as hereinafter provided shall be sufficient to bind the village and create a charge or lien upon all village property and rates and taxes in the village.

Issue of debentures

171. Every debenture issued by any village shall be in the following form or to the like effect:

Form of debenture

§ Debenture No.

The Village of _____ in the Province of _____

Saskatchewan promises to pay to the bearer at _____ the sum of _____

dollars of lawful money of Canada in
equal consecutive annual instalments with
interest at the rate of _____ per centum per annum
on the terms and in the amounts specified in the coupons
attached hereto.

Dated this _____ day of _____ 19____
.....
Overseer.

[Corporate Seal]

Secretary Treasurer.

Coupons.

Coupon No.	Debenture No.
The Village of _____	will pay to the bearer
at the _____	on the _____
day of _____ 19____	the sum of _____
dollars being the _____	instalment of principal with
the total interest at the rate of _____	per centum per
annum due on that date on village debenture No. _____
	Overseer.

[Corporate Seal]

Secretary Treasurer.

Limit for
debentures

172. The total face value of all debentures issued by any village shall not be for a greater sum than ten per centum of the total value of the assessable real property in the village as shown by the last revised assessment roll thereof.

Rate of
interest

173. Debentures shall not carry interest at a greater rate than eight per centum per annum.

Term of
debentures

174. Debentures shall not run for a longer period than fifteen years from the date of the first instalment of principal and interest and may be dated at any time within twelve months from the date on which the notice of the authorisation appears in *The Saskatchewan Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

Debenture
to be
registered
by commis-
sioner

175. Every debenture before being issued by the council of a village shall be sent for registration to the commissioner who shall cause a record to be kept of the same.

Debenture
to be
counter-
signed by
commis-
sioner

176. The commissioner shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the commissioner shall be conclusive evidence that the village has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of

such debenture shall be thereby conclusively established and its validity shall not be questionable by any court; but the same shall to the extent of the revenues of the village issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof.

177. The secretary treasurer shall open and keep a book ^{Debenture register} to be known as "The Debenture Register" which shall be in such form as is prescribed by the commissioner and in which shall be entered full particulars of every debenture issued by the village.

PART VII.

Municipal Assessment and Taxation.

178. The council of every village shall appoint an assessor ^{Assessor} whose duty it shall be to make an assessment of the village in the manner hereinafter provided.

(2) If deemed advisable the council may appoint the secretary treasurer as assessor.

179. As soon as may be in each year but not later than the ^{Assessment} first day of July the assessor shall assess all real and personal property and income in the village not exempt from taxation and shall prepare an assessment roll showing the name of each person assessed, the property in respect of which he is assessed and the assessed value thereof.

(179a) 1909/186

180. The following property shall be exempt from assess- ^{Exemptions} ment and taxation:

1. The interest of the Crown in any property including property held by any person in trust for the Crown;

2. Property specially exempted by law or held for the public use of the province;

3. All lands held by or in trust for the use of any tribe of Indians;

4. If any property mentioned in the three preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the property itself shall not be liable;

5. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon;

6. Personal property to the amount of \$300 other than income;

7. All land in use as a public cemetery not exceeding twenty five acres;

8. The building and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every school established under the authority of *The School Ordinance* and every incorporated hospital so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied and except such part as may have any other building thereon;

9. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*;

10. All property (real and personal) belonging to the village and used only for village purposes;

11. Every public library established under *The Public Libraries Act*;

12. The income of every person up to the amount of \$1,000;

13. Household effects of every kind, books and wearing apparel in use;

14. Grain.

(2) 1909 p 186 (180a) 1909 p 186

Tax on
land values

181. If two-thirds of the total number of resident electors in any village petition the council therefor the council may by bylaw provide that the assessment in the village shall after a date to be fixed therein be limited to an assessment based upon the actual value of all lands in the village exclusive of the improvements thereon.

(2) In case such bylaw is passed the rate to be struck by the council under section 210 of this Act shall not in any year exceed two and one half cents on the dollar of the assessment.

(3) The council may repeal any such bylaw on receiving a petition of two-thirds of the total number of resident electors in the village petitioning therefor and after the date of such repeal the assessment for the year then following and so long as such repealing bylaw remains in force shall be upon all real and personal property and income in the village not exempt from taxation.

(4) Every such petition shall be accompanied by an affidavit or affidavits of one or more resident electors proving the signatures to the petition and that the persons who signed the same constitute two-thirds of such total number of resident electors.

Information
to be given

182. It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll but no statement made by such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

183. It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give to the assessor on demand information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceed \$1,000 per annum.

Information
by
employers

184. The assessment roll shall be in the following form unless otherwise ordered by the commissioner:

ASSESSMENT ROLL FOR THE YEAR 19																			VILLAGE OF	
No. of Assessment	The names in full (if the same can be ascertained) of every person taxable in the village	Post Office address	Own. (Owner), Occ. (Occupant)	Brief description of taxable property	Assessed value	Taxable income	Total amount of assessment	Date of mailing notice of assessment	Initials	Rate	Tax for current year	Arrears	Total tax	Date of mailing tax notice	Initials	Date of receipt of taxes				

Roll to be
checked by
assessment
committee

185. The council with the assessor shall constitute an assessment committee; and such committee shall on the completion of the roll by the assessor and before assessment notices are sent out check over the assessment roll and make such corrections therein as the majority of the committee may decide.

Fraudulent
assessment

186. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.

Notice of
assessment
by
publication

187. The assessor within ten days after completing the said roll shall post up in three conspicuous places in the village a notice in the following form:

Village of

Assessment Roll, 19

Notice is hereby given that the assessment roll of the village of _____ for the year 19____ has been prepared and is now open to inspection at the office of the secretary treasurer of the village from 10 a.m. to 4 p.m. on every juridical day except Saturday (and on that day from 10 a.m. to noon), and that any elector who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing at the office of the secretary treasurer.

Dated this

day of

19

A.B.

Assessor.

Notice by
mail

188. The secretary treasurer shall also within ten days after the completion of the assessment roll transmit by post to every person named therein an assessment notice containing the particulars appearing in the roll with respect to such person.

(2) The assessment notice shall contain a statement of the last date upon which complaints may be lodged as fixed by the notice under section 187 hereof and there shall be indorsed thereon a written or printed form of complaint as given in section 190 hereof.

(3) No assessment shall be invalidated by any error in the assessment notice transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

189. If any person named in the said roll thinks that he ^{Appeal to} or any other person has been assessed too low or too high or ^{council} that his name or the name of any other person has been wrongfully inserted in or omitted from the roll he may within the time limited as aforesaid give notice of complaint in writing to the secretary treasurer that he appeals to the council to correct the said error and in such notice he shall give a post office address to which notices may be sent.

190. Every such complaint shall be in the following form: ^{Form of}
To the Secretary Treasurer of the Village of ^{notice of}
Sir,—I hereby appeal against assessment (or nonassessment) of ^{appeal} on the following grounds (*here state grounds of appeal*).

C.D.
Appellant.

Dated this day of 19 .

191. The secretary treasurer shall forthwith notify every ^{Notice of} such appellant and every other person whose assessment is ^{hearing} affected or may be affected thereby of the time and place of the sittings of the council to hear the said appeal.

192. Every such notice shall be posted by registered letter ^{Time of} to the post office address of such person, if any, as entered on ^{notice} the assessment roll or as indicated in the notice of complaint at least fifteen days before the sitting of the council unless such person has a place of business within the village in which case the secretary treasurer shall cause the said notice to be served at such place of business at least six days before the sitting of the council.

193. The council shall be the court of revision for revising ^{Court of} the assessment roll. ^{revision}

194. Before the sittings of the council the secretary treasurer shall prepare a list of the appeals in the following form ^{List of} which list shall be posted at the office of the secretary treasurer ^{appeals} and shall continue so posted during the sittings of the council.

Appeals to be heard by the council of the Village of
on the day of 19 .

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner or tenant
L.M. etc.	Self etc.	Income overcharged.

Clerk

195. The secretary treasurer shall be the clerk and secretary of the council in connection with assessment appeals.

(2) The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

Conduct of hearing

196. The appeals shall be heard as far as possible in the order in which they stand upon the said list but the council may adjourn or expedite the hearing of any appeal as they think fit.

Non-appearance

197. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed in his absence.

Evidence

198. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deem it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

Termination of sittings

199. All the duties of the council as a court of revision shall be completed by the first day of September; and no appeal to the council shall be heard after that date except as provided in section 206.

Amendment of roll

200. Forthwith after the conclusion of the sittings the secretary treasurer shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary treasurer.

Adoption of roll

201. The roll with any amendments made as aforesaid shall be the assessment roll of the village:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided by and according to the procedure prescribed herein.

202. The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialed by the secretary treasurer. ^{Correction of errors}

APPEAL FROM COURT OF REVISION TO JUDGE.

203. An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it. ^{Appeal lies to judge}

204. In all appeals under the provisions of the next preceding section the proceedings shall be as follows: ^{Proceedings on appeal}

1. The appellant shall in person or by agent serve upon the secretary treasurer within eight days after the decision of the court of revision a written notice of his intention to appeal to the judge; ^{Notice of appeal}

2. The secretary treasurer shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals; ^{List of appeals forwarded to judge}

3. The secretary treasurer shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same; ^{Secretary treasurer to notify parties interested in appeals}

4. Every such notice shall be posted by registered letter to the post office address of the appellant at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the village in which case the secretary treasurer shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals: ^{Time of notice}

Provided however that in the event of failure to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

5. The secretary treasurer shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against and a statement of the time and place fixed by the judge for the hearing of such appeals; ^{Secretary treasurer to post notice of appeals}

Secretary
treasurer to
be clerk of
court
Hearing and
determina-
tion of
appeals

6. The secretary treasurer shall be the clerk of the court to be held by the judge for hearing the appeals;

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the thirtieth day of September; all deferred judgments shall be in writing and when given shall be filed with the secretary treasurer;

Procedure
on
hearing

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his decision the secretary treasurer shall when the same is given forthwith alter the said roll accordingly and shall write his own name opposite every such alteration or correction;

Judges'
powers

9. In such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in said court;

Title of
proceedings

10. All process or other proceedings in, about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the village of

Between

A.B.,

Appellant,

and

C.D.,

Respondent;

Cost of
proceedings

11. The costs of any proceeding before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs recoverable in such court;

Taxation

12. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the

allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

13. The decision and judgment of the judge shall be final ^{Decision final} and conclusive in every case adjudicated upon.

205. If at any time before the first day of November it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary treasurer to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialed by the secretary treasurer. ^{Council may order addition to roll}

206. In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 191 hereof shall be sent to such person or persons by the secretary treasurer and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act. ^{Notice to persons affected by correction of roll}

207. When the roll is finally completed and the time during which complaints and appeals against the assessment has elapsed the secretary treasurer shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this day of 19 "; and the roll as thus finally completed and certified to shall be valid and bind all parties concerned notwithstanding any defect or error committed in with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice. ^{Binding effect of amended roll}

208. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality and certified to be a true copy by the secretary treasurer shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll. ^{Evidence of roll}

TAXATION.

209. The council shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the village for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year. ^{Estimates}

Levy of
rate

210. Upon the completion of the said estimate the secretary treasurer shall lay before the council the assessment roll of the village for the current year and the council shall by resolution authorize the secretary treasurer to levy upon all property and income entered in the said roll such tax at a uniform rate as shall be deemed sufficient to meet the said estimate of expenditures and in fixing the said rate the council shall make due allowance for the nonpayment of taxes.

Uniform
rate of
taxation

(2) The said uniform rate shall not in any one year exceed ten mills on the dollar of the assessment except where the assessment is made as provided in section 181 in which case the rate shall not exceed two and one-half cents on the dollar of the assessment:

Provided that in the case of any village which has raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year.

Tax roll

211. On or before the first day of September in each year or as soon thereafter as may be the secretary treasurer shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 184 hereof a statement of all taxes levied against each person as computed at the rate hereinbefore provided for and such statement when completed shall show:

1. The sum total of the rates levied against each person;
2. The total taxes due for the current year by each person;
3. The arrears of taxes due by each person;
4. The sum total of all taxes due by each person.

Minimum
tax
municipal

(2) In the event of the total tax payable by any person under this section being less than ~~\$2~~ the tax to be entered in the roll as payable by such person for such purpose shall be the said \$1.

Mailing
tax
notice

212. The secretary treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person and the entry of the date of mailing each such notice followed by the initials of the secretary treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the secretary treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, rate of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in the following form or to the like effect:

TAX NOTICE.

Take notice that you have been assessed by the Village of
 (name of village) for the following property (description of
 property). \$(assessed value) and that the taxes
 due thereon for the year 19 at the rate of (state rate)
 amounts to\$
 Arrears of taxes

Total taxes due.....\$

To.....

.....P.O.

Secretary Treasurer.

213. All taxes levied under the provisions of this Act shall Taxes where payable
 be payable at the office of the secretary treasurer.

214. The taxes accruing upon or in respect of any land in Taxes first lien
 the village shall be a special lien upon such land having
 priority over any claim, lien, privilege or incumbrance thereon
 except claims of the Crown.

215. In the event of any taxes remaining unpaid after the Penalty for nonpayment of taxes
 thirty-first day of December of the year in which the same are
 levied there shall be added thereto by way of penalty a sum
 equal to eight per centum of such taxes remaining unpaid
 and the same additional sum shall be added thereto after the
 thirty-first day of December in each succeeding year during
 which the said taxes remain unpaid and such amount or
 amounts so added shall form part of the taxes which by
 section 214 hereof are created a special lien upon land;
 nothing in this section contained shall be construed to extend
 the time for payment of the said taxes nor in any way to
 impair the right of distress or any other remedy provided by
 this Act for the collection of the said taxes.

216. The secretary treasurer shall enter with the date of Receipt book for taxes
 receipt all amounts paid him for taxes on the assessment roll
 opposite the lot or parcel of land for which such payment is
 made and he shall issue an official receipt for every such pay-
 ment such as may from time to time be approved by the
 commissioner.

217. In case any person pays only a portion of the taxes Arrears first charge on tax payment
 due by him the secretary treasurer shall first apply such taxes
 in payment of any arrears due by such person.

218. In case any person fails to pay the taxes assessed Distress for taxes
 against him within thirty days after the mailing of the tax
 notice provided by section 212 hereof the secretary treasurer

may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the village or of any goods and chattels found upon the land in respect of which the taxes are due the property of or in the possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 34 of *The Consolidated Ordinances 1898*.

(2) The secretary treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the village give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the secretary treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$1 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the secretary treasurer to the clerk of the district court for the judicial district within which the village is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Suit for
taxes

219. Any taxes or arrears of taxes due to the village or levied by it may be recovered by suit in the name of the council as a debt due to the village in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 212 hereof were mailed as shown by the assessment roll.

POLL TAX.

Poll tax

220. Except members of his Majesty's naval or military force on full pay or on actual service or of the Royal North-West Mounted Police force or of the village fire brigade every male person of the age of twenty-one years or upwards who has been a resident of the village for at least three months during the then current year prior to the thirty-first day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$2; the said poll tax may be collected at any time after the first day of June.

221. A poll tax shall not be collected from any person more than once in each year within the province. Poll tax not collectable more than once

222. A poll tax may be collected in the same manner as other municipal taxes or may be recovered by way of summary conviction with costs against the person neglecting or refusing to pay the same and the person appointed to collect the same may also demand the same from the employer of the person liable to pay the same and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax and shall pay the same as soon as the amount of the tax is earned by the said employee to the person appointed to collect the same and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment not exceeding thirty days. Collection of poll tax

SALE OF LAND FOR TAXES.

223. Whenever any portion of the taxes on any land has been due for one year calculated from the thirty-first day of December of the year in which the same were imposed the secretary treasurer shall prepare a list of all the lands as shown by the assessment roll or rolls of the village on which taxes are so due with the amount of arrears against each lot set opposite to the same and the name and address of the owner if known and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and the overseer and secretary treasurer shall authenticate such list by affixing thereto their signatures and the seal of the village and the secretary treasurer shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the village or the newspaper published nearest to the village and for the next following five consecutive weekly issues of the said newspaper preceding the day of sale therein named shall be published a notice therein in form following: List and advertisement

Sale of lands in the Village of _____ for arrears of taxes.

Notice is hereby given that certain lands in the village of _____ will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

(2) And the said notice shall be published for two consecutive issues of *The Saskatchewan Gazette* during the four consecutive weeks mentioned in subsection (1) hereof.

- Contents** **224.** The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the secretary treasurer will proceed to sell the land for taxes on the day and at the place mentioned in the advertisement.
- Particulars** **225.** Every such notice shall specify the place, day and hour at which the sale shall commence and each lot and parcel of land shall be designated therein by a reasonable description for registration purposes.
- Omission** **226.** All the lots liable for sale shall be included in the same statement and notice; but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.
- Time of sale** **227.** The day of sale shall not be more than forty days after the last publication as hereinafter provided and the sale shall take place at such place in the village as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the village as the secretary treasurer in his said notice shall name.
- Adjournment** **228.** The secretary treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days.
- Sale by auction** **229.** At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the secretary treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for.
- Sale to village** **230.** If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary treasurer shall there and then sell the same to the village at the upset price.
- Surplus purchase price** **231.** If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall be required to pay at the time of sale only the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and

if the said balance of purchase money shall not be so paid by the purchaser or his assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

232. If the purchaser of any parcel of land fails immediately to pay the secretary treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the secretary treasurer shall forthwith again put up the property for sale. Default of purchaser

233. The secretary treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further stating that a transfer of the same to the purchaser or his assigns shall be executed by the secretary treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer Certificate of sale

234. The purchaser shall on receipt of the secretary treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoilation or waste until the expiration of the term during which lands may be redeemed; but he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force. Spoilation or waste

235. A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made and signed by the secretary treasurer in duplicate any may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. Return of sales

236. The owner of any land which may hereafter be sold for taxes or his assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the secretary treasurer before the Redemption

hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before the date of redemption and the secretary treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption.

Dates

237. For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

Effect of redemption

238. From time of payment to the secretary treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease.

Payment by third party

239. Whenever such redemption is affected by a person not specially authorised by the owner or his assigns the secretary treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary treasurer.

Notice to tax purchaser

240. The secretary treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

Transfer on non-redemption

241. If the land be not redeemed within the period allowed by this Act then on demand of the purchaser or his assigns at any time after the expiration of the time limited for the redemption and upon payment of the balance of the purchase money as aforesaid and of the further sum of two dollars the secretary treasurer shall prepare and execute and deliver to him or them a transfer of the land sold:

Provided that any land sold to the village under the provisions of this Act as hereinbefore provided shall be transferred to the village by the secretary treasurer immediately upon the expiration of the time allowed for the redemption without charge; such transfer shall state the date and cause of sale and the price and shall have the effect upon confirmation of the sale by a judge of vesting the land in the purchaser or his assigns in fee simple or otherwise according to the nature of the

estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear; such transfer shall be in the form following or to the like effect:

TRANSFER OF LAND ON SALE FOR TAXES.

I, _____ of the village of _____ in the Province of Saskatchewan, secretary treasurer of the village of _____, by virtue of the authority vested in me by *The Village Act* to sell lands for arrears of taxes do hereby in consideration of the sum of _____ dollars paid to me by _____ of _____ being the price for which the said land was sold at a sale by me on the _____ day of _____ 19 _____ for arrears of taxes due on said land to the said village, transfer to the said _____ all that piece of land being

In witness whereof I have hereunto set my hand and the corporate seal of the said village this _____ day of _____ 19 _____
Signed by the above named _____
in the presence of _____

AFFIDAVIT OF WITNESS TO BE INDORSED ON TRANSFER.

Canada: _____
Province of aSskatchewan. } I, _____
To Wit: } of _____ (residence)
} in the Province of Saskatchewan
} (occupation) make oath and say:

1. That I was personally present and did see _____ named in the within instrument who is personally known to me to be the person named therein, he being the secretary treasurer of the village of _____ in the Province of Saskatchewan duly sign and execute the within instrument for the purpose named therein;

2. That the said instrument was executed in the village of _____ in the Province of Saskatchewan and that I am the subscribing witness thereto ;

3. That I personally know the said _____ and he is in my belief of the full age of twenty-one years.

Sworn before me at _____
in the Province of Saskatchewan }
this _____ day of _____ 19 _____ }

242. Such transfer shall not only vest in the purchaser or his assigns, as the case may be, all rights of property which the original holder had therein but shall also purge and disencumber such lands from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the village or of the Crown; and whenever lands are sold for arrears of taxes and the secretary

Effect of
transfer

treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land herein described and that all the steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

- (a) Fraud or collusion;
- (b) That all taxes have been paid;
- (c) That the land was not liable to assessment.

Lands in
which
Crown is
interested

Invalid sale

243. When the title to any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour of right whatever; and the village in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary treasurer and legal interest thereon as for damages or otherwise and such costs as the court may award; but the tax purchaser or his assigns shall have a lien on the lands for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same were so paid.

Tax sale
fund

244. The secretary treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sale fund; and the secretary treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the village and the said village shall forever be discharged from any claim on account thereof.

245. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned: Claims
against fund

Provided that written notice is served upon the secretary treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the village to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary treasurer and shall be the warrant and authority for making such payment.

246. In seeking to obtain a judge's order any claimant upon said fund shall in person or by solicitor petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge; and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim; and the judge may in his discretion require the claimant to serve a notice of his application upon the village or publish the same in any manner he may deem proper or to substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary treasurer. Judge's
order

247. The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding. Fees.

248. In any case where the judge deems it advisable to order notice to be served upon the village he shall in the final decision of the question if the claimant is successful order the costs of the village to be paid out of the fund in question and Costs

in case the claimant fails shall order execution to issue against him from the said court for the costs of the village after taxation thereof or as allowed by the judge.

**Effect of
making
claim**

249. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be deemed an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

250. In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of the said sale being the time within which only any such action can be brought or proceeding taken for that purpose the plaintiff shall within ten days after commencing his action or proceeding cause the secretary treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried; and in case the plaintiff succeeds the judge or court shall order said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives; and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of such land and the person entitled to the said surplus money according to the true intent and meaning of this Act then in such case the court or judge shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered to pay.

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificate of title has not been granted.

**Liability of
village**

251. In no case shall the village be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom except in case of a sale held void by a competent court in which case the costs shall be in the discretion of the said court.

ACTIONS- BY AND AGAINST VILLAGE.

252. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the village shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

Rights as in proceedings

253. In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the village; and every such action shall be brought against the village alone and not against any person acting under the bylaw or resolution.

Notice of action in certain cases

254. In case the village tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

Tender of amends

EXECUTIONS AGAINST VILLAGES.

255. Any writ of execution against a village may be indorsed with the direction to the sheriff of the judicial district in which the village is to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Procedure on writs of execution in sheriff's hands

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary treasurer of the village with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Copy of writ to be delivered secretary treasurer Demands for payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the village and shall in like manner as rates are struck for general village purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Execution rate

Sheriff's
precept to
secretary
treasurer

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary treasurer of the village and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of
special rate

4. At the time for levying the annual rates next after the receipt of such precept the secretary treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the village of (as the case may be) adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary treasurer for the general purposes of the village;

Secretary
treasurer's
percentage

6. In case the secretary treasurer of any village against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per centum.

Secretary
treasurer
and assessor
officers of
court

256. The secretary treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

PART VIII.

Erection of Villages into Towns.

Erection of
villages into
towns

257. In case it appears by the census taken under a village bylaw that the village contains over five hundred persons actually residing therein it may be erected into a town as hereinafter provided.

Requisites

258. No village shall be erected into a town unless and until a resolution of the council has been approved by two-

thirds of the electors voting thereon in the manner provided for the assent of electors to money bylaws. The said resolution may be in the following form:

Resolved that the council do apply to the Lieutenant Governor in Council for the incorporation of the village of _____ into a town.

259. The secretary treasurer of the village shall upon the approval of such resolution by the electors as aforesaid post up a notice in form A in the schedule to this Act in three public places in the village and insert the same in one issue of *The Saskatchewan Gazette* and in two consecutive weekly issues of a newspaper published in the village or if there be no such newspaper then in the newspaper published nearest thereto setting forth in the notice the intention of the council to apply on behalf of the village to the Lieutenant Governor in Council for the erection of the village into a town. Publishing notice

260. At any time not less than one month nor more than two months after the last publication of the said notice the council may apply to the Lieutenant Governor in Council for the erection of the village into a town and shall with the application furnish such proof as the commissioner may require of the census, of the votes of the electors and of the publication and posting of the notices aforesaid which proof may be in accordance with forms B and C in the schedule to this Act and thereupon the Lieutenant Governor in Council may by proclamation erect the village into a town and every such proclamation shall take effect only from and after the first day of November of the year in which it is issued. Erection into town

261. From and after the erection of any village into a town as hereinbefore provided all of the provisions of *The Town Act* shall except as herein otherwise provided for apply thereto. The Town Act applicable

262. The council of the village shall until the election of a council for the town under the provisions of *The Town Act* be deemed to be the council for the town and shall have all the powers and be charged with all the duties of a town council and all the officers of the village shall be and become officers of the town and shall hold office until their successors are appointed. Village council continued until election of town council

263. All books, accounts, records, lists, vouchers, moneys and all other properties of the village shall forthwith on demand of the secretary treasurer be delivered by the person last holding them to the said secretary treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of the secretary treasurer of the village. Property to be delivered to secretary treasurer

Bylaws and regulations to continue in force until varied

264. All bylaws of the village and all regulations made thereunder having force and effect in the village at the date of its erection into a town shall continue in full force in the town as bylaws of the said town until amended or repealed by bylaws passed by the council.

Village taxes to be paid to town

265. All taxes due to the village shall on its erection into a town be deemed to be arrears of taxes due to such town.

Suits and right of liabilities action and continued

266. All suits and rights of action by or against the village shall after its erection into a town be continued or maintained by or against the town and all debts and liabilities of the village shall be assumed and paid by the town.

Title to property of village to be in the town

267. The title to and all rights in respect of any real estate or other property of the village shall be vested in the town upon the erection of the village into a town.

C. 35 1906 repealed

268. *The Village Act* is hereby repealed.

COMING INTO FORCE OF ACT.

Coming into force of Act

269. The Lieutenant Governor in Council may by proclamation published in *The Saskatchewan Gazette* provide the time and manner of the coming into force of this Act and of any part or parts thereof and the said Act or part or parts thereof mentioned in the said proclamation shall come into force at the time and manner set forth in said proclamation or proclamations if more than one.

Existing villages may come under this Act

270. Notwithstanding anything contained in this Act the Lieutenant Governor in Council may upon the presentation of a petition to that effect signed by at least one-half of the ratepayers residing in any village existing at the time of the passing of this Act declare by proclamation to be published in *The Saskatchewan Gazette* that this Act shall come into force in so far as the said village is concerned and upon a date to be fixed in the said proclamation; and in every such case the Lieutenant Governor in Council shall appoint three councillors for the said village one of whom shall be the overseer of the said village; and from and after the date fixed in the said proclamation this Act shall come into force as to and shall apply to the said village and *The Village Act* being chapter 35 of *The Statutes* of 1906 shall be repealed as to the said village and the council appointed as aforesaid shall until a new council is elected as provided in this Act exercise all the powers conferred by this Act upon village councils:

Provided that in no case shall the provisions of this section apply to or be made applicable to any village which at the time of the passing of this Act has made or completed its assessment roll for the year 1908:

And provided further that until such time as this Act is brought into force as provided by section 269 hereof the commissioner of public works shall have and exercise all the powers and duties herein conferred upon the municipal commissioner.

SCHEDULE.

FORM A. *Am 1909/187*

(Section 259.)

Notice is hereby given that it is the intention of the undersigned overseer of the village of _____ to apply on behalf of the said village to the Lieutenant Governor in Council for the erection of the said village into a town and that the limits intended to be included therein are as follows:

Dated at _____ in the Province of
Saskatchewan, this _____ day of _____,

19 _____

(Signature)
Overseer of the Village of _____

FORM B.

(Section 260.)

Canada:
Province of Saskatchewan.
To wit:

I,
of the Village of _____ in the
Province of Saskatchewan, (*occupation*), do solemnly declare:

1. That I am the overseer of the village of _____
before mentioned.

2. That on the _____ day of _____ 19 _____
a meeting of the council was held at _____ aforesaid
for the purpose, amongst others, of passing a resolution to
take the census of the village with a view of incorporating
the said village into a town.

3. That at the said council meeting resolutions were passed
ordering a census to be taken appointing a commissioner to
take the same and fixing his remuneration.

4. That the census taken showed a population in the said
village of _____ persons.

5. That on the _____ day of _____ 19____ a vote of the electors of the said village was taken to decide on the advisability of incorporating the village into a town and of indorsing a resolution of the council authorising the erection of the said village into a town; that the said resolution was then duly submitted to the electors of the village and approved of by at least two-thirds of the electors voting thereon in accordance with the provisions of *The Village Act* for voting on money bylaws.

6. That on the approval of the resolution as set forth in the last paragraph there was posted up in three public places in the said village a copy of notice hereto annexed marked Exhibit A and the said notice was also inserted in one issue of *The Saskatchewan Gazette* and in two consecutive issues of the _____ newspaper, to wit, in the issues of the following dates, namely:

7. The said newspaper is published in the said village of _____ (or is the newspaper published nearest to the said village).

8. That hereto annexed, marked Exhibits B, C and D are the respective issues of *The Saskatchewan Gazette* and the newspaper referred to.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at
in the Province of Saskatchewan }
this _____ day of _____ }
19 _____ }

.....
A N.P., J.P. or Commissioner for Oaths.

FORM C.

(Section 260.)

Canada:
Province of Saskatchewan.
To wit:

I,
of the Village of _____ in the Province of
Saskatchewan, (*occupation*), do solemnly declare:

1. That under a resolution of the council of the Village of
aforesaid which was passed at a
meeting held on the _____ day of _____ 19____,
I was appointed to take the census of the said village with a
view to having it incorporated into a town.

2. That I took such census and the census taken by me disclosed the fact that the village contained persons actually residing therein.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at

in the Province of Saskatchewan	}
this day of	
19 ..	

.....

A N.P., J.P. or Commissioner for Oaths.

✓
1908

CHAPTER 19.

An Act respecting the Free Distribution of School Books and Supplies to Pupils attending the Educational Institutions of the Province.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Free Text Book Act.*"

INTERPRETATION.

- Interpre-
tation
"Commis-
sioner" 2. In this Act unless the context otherwise requires:
1. The expression "commissioner" means the commissioner of education;
- "Board" 2. The expression "board" means the board of trustees of any school district erected under the provisions of *The School Ordinance* or of any high school district established under the provisions of *The Secondary Education Act*, as the case may be;
- "Text book" 3. The expression "text book" means and includes any text or other book authorised by the commissioner for use in the schools of the province under the provisions of *The School Ordinance* or *The Secondary Education Act*;
- "School" 4. The expression "school" means and includes any school organised or established under the provisions of *The School Ordinance* or *The Secondary Education Act*;
- "School district" 5. The expression "school district" means and includes any school district erected or established under the provisions of *The School Ordinance* or *The Secondary Education Act*;
- "Supplies" 6. The expression "supplies" means and includes all paper, pens, pencils, note books, scribblers and all other things and materials required by the pupils of any school as an aid to their instruction and education.

DISTRIBUTION BY TRUSTEES.

Board may
authorise
purchase of
text books
and supplies 3. The board of any school district may by resolution adopted at a regularly called meeting thereof authorise its

treasurer to purchase for the use of the pupils in its school such text books and supplies as it may deem advisable; and any and all purchases thus made shall be paid for out of the general revenues of the school district.

4. In addition to the powers conferred upon any board by *The School Ordinance* or *The Secondary Education Act*, as the case may be, the board shall have power to include in its estimate of expenditure for any year such sum or sums of money as may be required by it to purchase text books and supplies as provided by the next preceding section.

Board may include amount necessary therefor in estimates

DISTRIBUTION BY COMMISSIONER.

5. Subject to the approval of the Lieutenant Governor in Council the commissioner shall have power to enter into a contract with any publisher or firm of publishers respecting the publication of any text book and the terms and conditions under which such text book may be purchased by the commissioner or by any board:

Commissioner may enter into contracts with publishers

Provided that such contract shall not be entered into for a longer period than ten years in the case of school readers nor for a longer period than three years in the case of any other text book:

Provided also that any contract entered into under the provisions hereof shall be laid before the Legislative Assembly at its next session within fifteen days after the commencement thereof:

Provided further that any such contract that may have been made by the commissioner prior to the passing of this Act shall be valid and binding for all purposes and shall be deemed to have been made under the provisions hereof.

6. Out of any legislative appropriation made for the purpose the commissioner shall have power to expend such sum or sums of money as may be required to purchase a supply of any text book for distribution to all the school districts of the province free of cost to the pupils and boards of trustees of such districts.

Commissioner empowered to purchase books for distribution to school districts

REGULATIONS.

7. All text books and supplies furnished to pupils under the provisions of this Act shall be used and cared for by such pupils in accordance with the provisions of such regulations as may be fixed by the commissioner in that behalf.

Regulations

✓ 1908

CHAPTER 20.

An Act to amend The Secondary Education Act.

[Assented to April 14, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1907, c. 25.
Section 43
(1) amended

1. Subsection 1 of section 43 of *The Secondary Education Act* is hereby amended by adding thereto the following:

“or

Addition to
s.s. 1, s. 43.

“(c) For the repayment of the principal at the end of the period within which the debt is to be discharged and for the payment of interest on the said principal annually or semi-annually.”

Section 43
amended

2. The said section 43 of the said Act is hereby amended by adding thereto the following as subsection (4) thereof:

Payment of
interest and
creation of
sinking fund

“(4) In the event of the bylaw providing for repayment of the principal as provided in clause (c) of subsection (1) of this section each such debenture shall have coupons attached thereto for the payment of interest annually or semi-annually as the bylaw may provide on the principal sum secured by each such debenture; and for the purpose of providing for the repayment of the said principal sum the council shall create a sinking fund to be raised annually on the ratable property of the municipality during the currency of the period within which the debt is to be discharged sufficient with the accumulated interest thereon to meet the principal at maturity.

✓1908

CHAPTER 21.

An Act relating to Liens of Woodmen for Services.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Woodmen's Lien for Short title Services Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires:

Interpre-
tation

1. The expression "logs and timber" includes logs, timbers, telegraph poles, railway ties, pulpwood, shingle bolts or staves, or any of them, and fence posts and cordwood while lying piled for shipment by rail or water;

Logs and
timber

2. The expression "labour, service or services" includes cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming any logs or timber and any work done by cooks, blacksmiths, artisans and others usually employed in connection therewith;

Labour,
service or
services

3. The expression "judge" means a judge of any of the district courts in Saskatchewan.

Judge

3. Every agreement or bargain verbal or written, expressed or implied which has heretofore been made or entered into or which may hereafter be made or entered into on the part of any workman, servant, labourer, mechanic or other person employed in any kind of manual labour intended to be dealt with in this Act by which it is agreed that this Act shall not apply or that the remedies provided by it shall not be available for the benefit of any person entering into such agreement is hereby declared to be null and void and of no effect as against any such workman, servant, labourer, mechanic or other person.

Contracts
waiving
application
of Act to be
void

(2) This section shall not apply to any foreman, manager, officer or other person whose wages are more than \$3 a day exclusive of board and lodgings.

Lien

4. Any person performing any labour, service or services in connection with any logs or timber within this province shall have a lien thereon for the amount due for such labour, service or services; and the same shall be deemed a first lien or charge on such logs or timber and shall have priority over all other claims or liens thereon except any lien or claim which the crown may have upon such logs or timber for or in respect of any dues or charges.

Lien to continue on statement being filed in district court

5. The lien provided for in section 4 shall not continue to be a charge on the logs or timber after the time within which the statement of claim hereinafter provided for is required to be filed unless such statement verified upon oath by the person claiming such lien or some one duly authorised on his behalf shall be filed as hereinafter directed.

(2) Such statement shall be in writing and shall be filed in the office of the clerk of the district court of the judicial district in which the labour or service or some part thereof has been performed:

Proviso

Provided that when such labour or services have been performed upon any logs or timber got out to be run down or which have been run down any of the rivers or streams within or partly within Saskatchewan such statement may at the option of the claimant be filed in the office of the clerk of the district court of the judicial district wherein the drive terminates or reaches its destination.

Contents of statement

6. Such statement shall set out briefly the nature of the debt, demand or claim, the amount due to the claimant as near as may be over and above all legal set offs or counter-claims and a description of the logs or timber upon or against which the lien is claimed and may be in the form set out in the schedule to this Act or to the like effect.

When statement to be filed

7. If such labour, service or services be done between the first day of October and the first day of April next thereafter the statement of claim shall be filed on or before the thirtieth day of April next thereafter; but if such labour or services or any part thereof be done or performed on or after the first day of April and before the first day of October in any year then such statement shall be filed within thirty days after the last day upon which labour or services or some part thereof were performed.

Mortgage or sale not to effect lien

8. No mortgage, sale or transfer of the logs or timber upon which a lien is claimed under this Act made during the time limited for the filing of such statement of claim and previous to the filing thereof or after the filing thereof and during the time limited for enforcement thereof shall in anywise affect such lien; but such lien shall remain and be in force

against such logs or timber in whosoever possession the same shall be found.

9. Any person or persons having a lien upon or against any logs or timber under this Act may enforce the same by action in the district court where such statement of lien is filed; and such action may be commenced to enforce such lien if the same be due immediately after the filing of such statement or if credit has been given immediately after the expiry of the period of credit; and such lien shall cease to be a lien upon the property named in such statement unless the proceedings to enforce the same be commenced within thirty days after the filing of the statement of claim or within thirty days after the expiry of the period of credit. In all such actions the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant. ^{Enforcement of lien}

10. There shall be attached to or indorsed upon the writ of summons a copy of the lien claim as hereinbefore provided; and no other statement of claim shall be necessary unless ordered by the court or judge; and except as herein otherwise provided the practice shall be that of the district courts; writs may be served anywhere in the province in the same manner as in other cases and the judgment shall declare that the same is for labour or services, the amount thereof and costs and that the plaintiff has a lien therefor on the property described when such is the case. ^{Procedure}

11. When an execution has issued and has been placed in the sheriff's hands for execution and no attachment has been issued the proceedings for the enforcement of the lien shall be by sale under the execution and the proceedings relating to proof of other claims and the payment of other money into court and the distribution of money and otherwise shall as far as practicable be the same as hereinafter provided for proceedings upon and subsequent to an attachment. ^{Procedure subsequent to execution}

12. The judge may direct that any action brought to enforce a lien under the provisions of this Act shall be disposed of summarily by him in chambers without waiting for the regular sittings of the court upon such terms as to notice and otherwise as the order shall provide and the same may be so heard and disposed of. ^{Summary disposal of cases}

(2) The judge may also entertain in chambers any application to set aside an attachment or seizure or to release logs or timber that have been seized and may summarily dispose of the same. ^{Chamber application to set aside attachment seizure}

When
attachment
to issue

Affidavit for
attachment

13. Where the amount of any claim whereon action has been commenced as aforesaid is not less than \$10 upon the production and filing of a copy of said claim and affidavit and of an affidavit made and sworn by the claimant of the amount of the claim due and owing and showing that the same has been filed as aforesaid and stating that:

- (a) He has good reason to believe and does believe that the logs or timber are about to be removed out of Saskatchewan; or
- (b) That the person indebted for the amount of such lien has absconded from the province with intent to defraud or defeat his creditors; or
- (c) That the logs or timber are about to be cut into lumber or other timber so that the same cannot be identified;
- (d) And that he is in danger of losing his said claim if an attachment do not issue;

Issue of
writ of
attachment

and if an affidavit corroborating the affidavit of the plaintiff in respect of clauses (a), (b) and (c) of this section be also filed then the judge of the proper district court may on application made to him *ex parte* direct the clerk to issue a writ of attachment directed to the sheriff of such court commanding such sheriff to attach, seize, take and safely keep such logs or timber or a sufficient portion thereof to secure the sum mentioned in the said writ and the costs of the action and of the proceedings to enforce the lien and to return the writ forthwith to the court out of which the same is issued.

Second
seizure

14. Where additional claims are made or the amount of claim is increased or a sufficient seizure has not been made a second or subsequent seizure may be made either under execution or attachment.

Service of
writ of
attachment

15. A copy of the writ of attachment shall be served upon the defendant; and if the defendant in such attachment is not the owner of the logs or timber described in the writ of attachment then a copy of the writ shall also be served upon the owner of said logs or timber or upon the agent or person in whose possession, custody or control for him they may be found; the owner may on his own application or by the direction of a judge be made a party defendant at the trial.

Defendant
cannot be
found

16. In case the defendant or owner cannot be found within the province or the owner cannot be ascertained and no agent or person is in possession for the owner the writ may be served in such manner as the judge shall by order direct.

No seizure
in transit

17. No sheriff shall seize upon or detain any logs or timber under the provisions of this Act when in transit by water from the place where cut to the place of destination.

18. In case of an attachment if the owner of said logs or timber or any person in his behalf shall execute and file with the clerk of the court out of which the attachment has issued a good and sufficient bond to the person claiming the lien executed by two sureties and conditioned for the payment of the claim and of all damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings together with the amount for which a lien is claimed in any other action, if any, the judge may upon application *ex parte* if satisfied as to the sufficiency of the bond issue an order to the sheriff having in charge the logs or timber directing their release; and upon service of such order upon the sheriff he shall release the same.

Possession
to be
restored
upon
execution
of bond

19. Any person who shall have been served with a copy of the writ of attachment under this Act and who may desire to dispute the same shall within twenty days after such service enter in the court in which proceedings are pending a notice that he or they dispute the claim upon the lien in whole or in part or file a statement of defence as the practice of the district courts may require.

Notice of
dispute

20. The defendant may at any time after service of the writ of attachment and before the sale of the logs or timber pay into court the amount for which a lien is claimed in the action together with the amount for which a lien is claimed in any other action, if any, and together with the costs of the proceedings thereon to the date of such payment taxed by the clerk of the court if so required; and the person making such payment shall thereupon be entitled to a certificate vacating such lien; and upon said certificate being filed with the clerk of the district court in which the original statement of claim was filed the said lien shall be vacated and all further proceedings thereon shall cease and the person making such payment shall further be entitled to an order directing the delivery up of the logs or timber seized under the attachment or the cancellation of any bond given under section 19 of this Act.

Payment
into court

21. After the expiration of the time hereinbefore named within which notice of dispute may be entered or statement of defence filed the judge shall in chambers as provided by section 12 of this Act or at the next sitting of the court after due notice to all parties to the action and to all persons claiming liens on the logs or timber and whose liens are duly filed as aforesaid or to their solicitors hear all such parties and claimants and take all accounts necessary to determine the amounts, if any, due to them or any of them or to any other holders of liens who may be called by the judge to prove their liens and shall tax to them their costs and deter-

Hearing
parties
taking
accounts,
etc.

mine by whom the same shall be payable and settle their priorities and generally determine all such matters as may be necessary for the adjustment of the rights of the several parties.

Judge's
report and
order for
payment

22. At the conclusion of the inquiry the judge shall make his report and order which shall state his findings and direct the payment into the court in which proceedings are pending of the amounts, if any, so found due and the costs within ten days thereafter; and in default of such payment that the logs or timber shall be sold by the sheriff for the satisfaction of the amounts found due to the several parties upon the inquiry and costs.

Sale of logs
in default
of payment

Time of sale

23. In default of payment into court under the last preceding section within the time named therein the said logs or timber shall within twenty days thereafter be sold by the sheriff holding the same in the manner and subject to the same provisions of law as goods and chattels seized or taken in execution unless the judge shall direct that additional publicity be given to the sale; and the amount realised by such sale shall after deducting the expenses thereof payable to the sheriff be paid into the court in which the proceedings are pending and shall upon the application of the several parties found to be entitled thereto under the order of the judge be paid out to them by the clerk of the said court:

Money
realised to
be paid into
court

Apportion-
ment where
sum realised
insufficient
to pay all
claims

Provided that where the amount realised upon the sale shall not be sufficient to pay the claims in full and costs the judge shall apportion the amount realised *pro rata* among the different claimants.

Judgment
and
execution
for balance
remaining
unpaid

24. If after such sale and distribution of the proceeds thereof under the preceding section any balance shall remain due to any person under the said order of the judge judgment may be entered therefor against the person or persons by whom the claim was directed to be paid and execution may be issued thereupon as in the case of other judgments in the district court.

Discharge
of liens
where
claims
unfounded

25. Where nothing shall be found due upon the several claims filed under this Act or upon the lien or liens in respect to which proceedings have been taken the judge may direct by his said order that the lien or liens be discharged and the logs or timber released or the security given therefor be delivered up and cancelled and shall also by such order direct payment forthwith of any costs which may be found due to the defendant or owner of the said logs or timber.

Disposition
of balance
of money
paid into
court

26. Where more money shall be paid into court as the proceeds of the sale of logs or timber than shall be required

to satisfy the liens which shall have been proved and the interest and costs the remaining moneys shall be paid over to the party entitled to the same unless the judge otherwise orders.

27. Any person affected by proceedings taken under this Act may apply to the judge to dismiss the same for want of prosecution and the judge may make such order upon the application as to costs or otherwise as may be just. Dismissal for want of prosecution

28. The judge may at any stage of such proceedings on the application of any party or as he may see fit order that any person who may be deemed a necessary party to any such proceedings be added as a party thereto or be served with any process or notice provided for by this Act; and the judge may make such order as to the costs of adding such person or corporation or as to such service as may be just. Adding parties

29. Nothing in this Act contained shall be deemed to disentitle any person to any other remedy than that afforded by this Act for the recovery of any amount due in respect of labour or services performed upon or in connection with any logs or timber; and where action is brought to enforce a lien but no lien be found to exist judgment may be directed for the amount found due as in an ordinary case. Other remedies preserved

30. Any number of lienholders may join in taking proceedings under this Acts or may assign their claims to any one or more persons; but the statement of claim to be filed under section 5 of this Act shall include particular statements of the several claims of persons so joining and shall be verified by the affidavits of such persons so joining or separate statements of claim may be filed and verified as by this Act provided and one attachment or writ of summons issued on behalf of all the persons so joining. Joinder of lienholders

31. Where suits are brought in more than one district court respecting liens or claims upon the same logs or timber the proceedings after the issue of the first execution or attachment shall be had in the district court out of which such execution or attachment first issued unless the judge shall otherwise order. Adjudication of claims to take place in court from which first execution or attachment issued unless otherwise ordered

32. The forms necessary to be used in any action or proceeding under this Act, the costs to be taxed to any party therein and the procedure regulating the practice in actions brought and other proceedings taken under the provisions of this Act shall so far as the same are not inconsistent with this Act be as nearly as may be according to the forms, tariff of costs and procedure in force in the district courts. Forms

SCHEDULE.

STATEMENT OF CLAIM OR LIEN.

A.B. (*name of claimant*), of (*here state residence of claimant*), (*if claim made as assignee then say as assignees of, stating name and address of assignor*) under *The Woodmen's Lien for Services Act* claims a lien upon certain logs or timber of (*here state the name and residence, if known, of the owner of the logs or timber upon which the lien is claimed*) upon the logs and timber composed of (*state the kind of logs or timber, such as spruce, tamarack or other logs, ties, poles, posts, etc., also where situate at the time of filing of statement*), in respect of the following work, that is to say (*here give a short description of the work for which the lien is claimed*) which work was done for (*here state the name and residence of the person upon whose credit the work was done*) between the _____ day of _____ and the _____ day of _____ at _____ (per day, month or quantity).

The amount claimed as due (*or to become due*) is the sum of _____ (*when credit has been given the said work was done on credit, and the period of credit will expire on the _____ day of _____ 19 .*)

.....
Signature of Claimant.

AFFIDAVIT TO BE ATTACHED TO STATEMENT OF CLAIM.

I, _____, make oath and say that I have read (*or have heard read*) the foregoing statement of claim, and I say that the facts set forth therein are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money, goods or merchandise to which the said (*naming the debtor*) is entitled to credit as against me.

Sworn before me at _____
in the Province of _____
this _____
day of _____

19 .

}
Signature of claimant.

✓ 1908

CHAPTER 22.

An Act to amend The Marriage Ordinance.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 3 of *The Marriage Ordinance* is hereby amended by adding thereto the following: C.O., 1898, c.
46, s. 3.
amended

"(2) A certificate of the due publication of banns as provided in this section shall be furnished by the person publishing the banns on the application of either party to the intended marriage and on payment of the fee of fifty cents therefor; such certificate may be in form G in the schedule to this Act. Certificate of
publication of
of banns

"FORM G.

Canada:
Province of Saskatchewan.
To Wit:

I,
of the _____ of
in the Province of Saskatchewan, do hereby certify that banns
of an intended marriage between

_____ of the
_____ of _____ in the _____, and
_____ of the
of _____ in the _____ of
_____, were duly published by me in accordance
with the provisions of *The Marriage Act* of the Province of
Saskatchewan."

(2) The said section is further amended by striking out
all the words after the word "banns" in the eighth line thereof
and substituting therefor the words "at least once on each
of two Sundays in some public religious assembly."

1908

CHAPTER 23.

An Act to amend The Surrogate Courts Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1907, c. 10,
s. 4,
amended

1. Section 4 of *The Surrogate Courts Act* is hereby amended by striking out the words "letters of guardianship" in the seventh line thereof.

S. 8,
amended
New form
of oath

2. Section 8 of the said Act is hereby amended by striking out the form of oath therein and substituting therefor the following:

"I
of the
of
in the Province of Saskatchewan, do swear that I will well and truly serve Our Sovereign Lord the King in the office of Judge of the Surrogate Court of the Judicial District of
and that I will truly and faithfully
according to the best of my ability and knowledge execute the several duties imposed upon me as judge of the said court. So help me God."

S. 18, cl. 3,
amended.

3. Clause 3 of section 18 of the said Act is hereby amended by striking out the words "and the appointment of guardians" in the eleventh line thereof.

S. 34, (2),
amended

4. Subsection (2) of section 34 of the said Act is hereby amended by striking out the character and figures "\$2,000" in the seventh line thereof and substituting therefor the character and figures "\$5,000."

S. 73,
amended

5. Section 73 of the said Act is hereby amended by adding thereto the following as subsection (3) thereof:

Death or
removal of
official
administra-
tor

"(3) Whenever an official administrator or a public administrator appointed under the provisions of chapter 21 of *The Consolidated Ordinances 1898* has died, resigned or been removed from office or has permanently removed from the province or been appointed a judge of any court and any estate to which letters of administration have been granted to him is not fully administered the judge of the surrogate court

of the judicial district in which the estate or some part thereof is situate may upon the application of the official administrator for such judicial district if there be one or of some other person if there be no such official administrator revoke such letters of administration and may grant to such official administrator or other person letters of administration *de bonis non administratis* or *cum testamento annexo*, as the case may require.

✓
1908

CHAPTER 24.

An Act to amend The Succession Duty Ordinance.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1903 (a). c.
5, s. 3, cl. 2
amended

1. Section 3 of *The Succession Duty Ordinance* being chapter 5 of the Ordinances of 1903 (second session) is hereby amended by striking out the words "for the purposes of subsections (3), (4) and (5) of section 5" where they occur in the third and fourth lines of clause 2 hereof.

s. 3, cls. 4
and 5
repealed

2. Clauses 4 and 5 of section 3 of the said Ordinance are hereby repealed.

s. 4
amended

3. Section 4 of the said Ordinance is hereby amended by striking out the words "brother, sister" in the third line of clause 2 thereof.

s. 5, (3)
repealed re w
s.s.

4. Subsection (3) of section 5 of the said Ordinance is hereby repealed and the following substituted therefor:

Amount of
duty

"(3) Where the aggregate value of the property exceeds \$25,000 and any property passes in manner aforesaid either in whole or in part to or for the benefit of the father, mother, husband, wife, child, grandchild, son-in-law, daughter-in-law or adopted child as aforesaid of the deceased the same or so much thereof as passes, as the case may be, shall be subject to a duty at the rate and on the scale as follows:

"(a) Where the aggregate value exceeds \$25,000 but does not exceed \$100,000, one and one-half per cent.;

"(b) Where the aggregate value exceeds \$100,000 but does not exceed \$200,000, two and one-half per cent.;

"(c) Where the aggregate value exceeds \$200,000 five per cent."

s. 5 (4)
amended

5. Subsection (4) of section 5 of the said Ordinance is hereby amended by inserting after the word "mother" in the fifth line thereof the words "or to any brother or sister of the deceased" and by striking out the words "in excess of \$5,000" in the last line thereof.

6. Subsection (5) of section 5 of the said Ordinance is hereby amended by striking out the words "in excess of \$5,000" in the last line thereof. ^{S. 5 (5) amended}

7. Section 6 of the said Ordinance is hereby amended by striking out the word "court" in the fourth line thereof and substituting therefor the words "surrogate court in which such application is being made." ^{S. 6. amended}

8. Clause (b) of subsection (1) of section 6 of the said Ordinance is hereby amended by inserting the word "said" before the word "clerk" where it appears in the fifth and ninth lines thereof and by striking out the words "territorial treasurer" in the tenth line thereof and substituting therefor the words "attorney general." ^{S. 6, (1), cl. b amended}

9. Subsection (2) of section 6 of the said Ordinance is hereby amended by striking out the words "to estates of which the aggregate value does not exceed \$5,000 nor" where they appear in the first and second lines thereof and by striking out the words "a public" in the fifth line thereof and substituting therefor the words "an official." ^{S. 6. (2) amended}

10. Subsection (3) of section 6 of the said Ordinance is hereby amended by inserting before the word "court" in the second line thereof the word "said" and by striking out the words "territorial treasurer" in the second and third lines thereof and substituting therefor the words "attorney general." ^{S. 6. (3) amended}

11. Subsection (4) of section 6 of the said Ordinance is hereby amended by striking out the words "territorial treasurer" in the thirteenth line thereof and substituting therefor the words "attorney general" and by inserting before the word "court" in the fourteenth line thereof the word "surrogate." ^{S. 6. (4) amended}

12. Section 7 of the said Ordinance is hereby amended by striking out the words "territorial treasurer" in the first line thereof and substituting therefor the words "attorney general" and by striking out the words "personally or by his advocate or agent" in the third line thereof. ^{S. 7. amended}

13. Section 8 of the said Ordinance is hereby amended by striking out the words "clerk of the court" in the fourth line thereof and substituting therefor the words "attorney general" and by striking out the words "the opinion of the territorial treasurer, his advocate or agent" in the sixth and seventh lines thereof and substituting therefor the words "his opinion" and by striking out the words "clerk of the court" ^{S. 8 amended}

in the eleventh line thereof and substituting therefor the words "attorney general" and by inserting before the word "court" in the thirteenth line thereof the words "proper surrogate."

S. 8. (3)
amended

14. Subsection (3) of section 8 of the said Ordinance is hereby amended by inserting before the word "court" in the second line thereof the word "said" and by striking out the words "territorial treasurer" and substituting therefor the words "attorney general."

S. 9
amended

15. Section 9 of the said Ordinance is hereby amended by striking out the words "territorial treasurer, his advocate or agent" in the first line thereof and substituting therefor the words "attorney general" and by striking out the words "clerk of the court of the judicial district in which the property or part of it is situate" in the second, third and fourth lines thereof and substituting therefor the words "provincial auditor" and by striking out all the words in the said section after the word "estates" in the sixth line thereof.

S. 10
amended

16. Section 10 of the said Ordinance is hereby amended by inserting at the commencement thereof the words "The attorney general or."

S. 16 (1)
amended

17. Subsection (1) of section 16 of the said Ordinance is hereby amended by striking out the words "territorial treasurer" in the seventh line thereof and substituting therefor the words "attorney general."

S. 16 (4)
amended

18. Subsection (4) of section 16 of the said Ordinance is hereby amended by striking out the words "treasurer of the Territories" in the eighth line thereof and substituting therefor the words "attorney general" and by striking out the word "treasurer" in the fifteenth line thereof and substituting therefor the words "provincial treasurer on the recommendation of the attorney general."

S. 17 (2)
amended

19. Subsection (2) of section 17 of the said Ordinance is hereby amended by inserting after the word "that" in the first line thereof the words "no duty is payable on the estate or that."

S. 18
amended

20. Section 18 of the said Ordinance is hereby amended by striking out the words "territorial treasurer" in the third line thereof and substituting therefor the words "attorney general" and by striking out the words "a judge" in the said third line and substituting therefor the words "the judge of the proper surrogate court."

21. Section 22 of the said Ordinance is hereby amended ^{S. 22} amended by adding thereto at the end thereof the following: "if said duty has not been paid to the provincial treasurer or by the provincial treasurer if it has been so paid."

22. Section 23 of the said Ordinance is hereby amended ^{S. 23} amended by striking out the words "to the treasurer of the Territories" in the fourth and fifth lines thereof and by substituting therefor the words "as herein provided."

23. Section 27 of the said Ordinance is hereby amended ^{S. 27.} amended by striking out the words "clerks of the court" in the first line thereof and substituting therefor the words "the officials of the courts" and by striking out the words "supreme court" in the fourth line thereof and substituting therefor the words "court in which the proceedings are taken."

✓ 1908

CHAPTER 25.

An Act to amend The Bills of Sale Ordinance.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

C.O. 1908,
s. 17,
amended

1. Section 17 of *The Bills of Sale Ordinance* is hereby amended by inserting after the word "mortgage" in the first line thereof the words "or conveyance intended to operate as a mortgage" and by inserting after the word "mortgage" in the seventeenth line thereof the words "or conveyance."

S. 23,
amended

2. Section 23 of the said Ordinance is hereby amended by inserting before the word "on" in the third line thereof the words "or district court."

S. 29,
amended

3. Section 29 of the said Ordinance is hereby amended by adding thereto the following as subsection (2):

Removal of
goods into
Saskat-
chewan

"(2) In the event of the permanent removal into Saskatchewan of goods and chattels subject to a mortgage or bill of sale made, executed or created without Saskatchewan from a place in which they were at the time of the execution of said mortgage or bill of sale a copy thereof and of the affidavit and documents and instruments relating thereto proved to be a true copy by the affidavit of some person who has compared the same with the originals shall be filed with the registration clerk of the district to which such goods and chattels are removed within three weeks from such removal otherwise the mortgagee or bargainee shall not be permitted to set up any right of property or right of possession to said goods and chattels against the creditors of the mortgagor or bargainor or against subsequent purchasers or mortgagees in good faith for valuable consideration."

New section
34 added

4. The said Ordinance is hereby amended by adding thereto the following as section 34:

Act not
applicable to
railway
companies

"34. The provisions of this Act as to filing and registering bills of sale and chattel mortgages in the offices of the registration clerks shall not apply to mortgages by railway companies including cars, equipment, rolling stock and other chattel property of railway companies but such mortgages may be filed and registered in the office of the

provincial secretary of the province of Saskatchewan and on such filing and registration shall have priority from the date of such filing and shall remain in force until the same have been discharged and satisfied and without the necessity of renewal or any affidavits of execution or *bona fides* and discharges of such mortgages may be registered in such office."

5. Section 33 of the said Act is hereby amended by ^{S. 33} ^{amended} adding thereto as subsection (2) thereof the following:

"(2) Notwithstanding anything herein contained the Lieutenant Governor in Council may from time to time make ^{Altering and compromising fees} provision for the alteration, changing or compromising the payment of any of the fees payable hereunder."

✓ 1908

CHAPTER 26.

An Act to amend The Assignments Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1906 c. 25, s.
51 amended

1. Section 5 of *The Assignments Act* is hereby amended by striking out all the words therein after the word "assignee" in the fourth line thereof and before the word "shall" in the seventh line thereof.

s. 11
amended

2. Section 11 of the said Act is hereby amended by striking out all the words therein after the word "circulation" in the sixth line thereof and inserting in lieu thereof the words "in each judicial district in which any of the property assigned is situate."

s. 13
amended

3. Section 13 of the said Act is hereby amended by inserting after the word "newspaper" in the second line thereof the words "or newspapers."

s. 44
amended

4. Section 44 of the said Act is hereby amended by striking out all the words therein after the word "assignee" in the second line thereof and before the word "for" in the sixth line thereof and by striking out the words "in each of the said cases" in the sixth and seventh lines thereof.

✓ 1908

CHAPTER 27.

An Act to Amend the Act respecting Public Printing.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Chapter 14 of the Statutes of 1906 intituled "*An Act respecting Public Printing*" is hereby amended by adding thereto the following as sections 12, 13, 14 and 15: 1906, c. 14, s. 14, amended

"12. The government printer shall under such regulations of the Lieutenant Governor in Council as may from time to time be made in that behalf procure all stationery and general office supplies and have all printing and binding work done which may be required for the use of the Legislative Assembly or any department of the public service. Government printer to procure stationery under regulations of Lieutenant Governor in Council

"13. The provincial treasurer may from time to time authorise the advance to the government printer out of the general revenue fund of such sums of money as the said government printer may require to enable him to pay for such stationery, office supplies, printing or binding: Provincial treasurer may authorise advance of money to Government printer

Provided that the net amount of such advance shall not at any time exceed the sum of \$20,000. Proviso

"14. The government printer shall supply any article purchased in the manner provided for in the next preceding section under such regulations as may be prescribed in that behalf upon requisition therefor by the head of the department having charge of the service in connection with which such printing, binding, stationery or supplies may be required. Government printer to furnish supplies according to regulations and upon requisition

"15. The quantity supplied and the value thereof shall be charged by the provincial treasurer to the particular service in connection with which the supplies are required on an account thereof rendered monthly the amount of such charge being at the same time credited to the account of the advances made by the provincial treasurer to the government printer." Quantity and value to be charged to service to which supplies are furnished

see act 9/June 1908

1908

CHAPTER 28.

An Act to amend The Liquor License Ordinance.

[Assented to April 9, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Subsection (6) of section 24 of *The Liquor License Ordinance* as reenacted and amended by section 6 of chapter 31 of the Acts of 1907 is hereby repealed and the following substituted therefor:

“(6) The provisions of subsection (1) of this section shall not apply to hotels for which a license was on the first day of April, 1908, in force or recommended by the board until the first day of July, 1909; and until such date the provisions of subsection (1) of section 24 of the said Ordinance as the same was reenacted by section 4 of chapter 26 of the Ordinances of 1903 shall remain in force and apply to such hotels.

✓
1908

CHAPTER 29.

An Act to amend The Land Titles Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Sections 29, 30, 31 and 32 of *The Land Titles Act* and form B of the schedule thereto are repealed.

1906, c. 24.
Sections 29,
30, 31 and
32 and
Form B
repealed
S. 53,
amended

2. Section 53 of the said Act is hereby amended by adding after the word "trail" in the eighteenth line thereof the words "free from all incumbrances, liens, estates or interests whatsoever."

3. Section 56 of the said Act is hereby amended by adding thereto the following subsection:

S. 56,
amended,
new sub-
section
added
Abandon-
ment of
land by
Crown

"(3) A notification to the registrar from the commissioner of public works that the land shown on any plan of road, drain or water right for which a certificate of title in the name of his Majesty in the right of the province has not been issued has been abandoned ~~such notification~~ shall operate as a transfer from the Crown to the registered owner of the land through which the road to be abandoned passes and shall be accepted by the registrar and any memorandum which may have been made upon the original certificate of title to the land upon the filing of the plan shall be cancelled."

Am 1908-9 p 113

4. Subsection (1) of section 90 of the said Act is hereby repealed and the following substituted therefor:

S. 90, (1)
repealed
new
subsection
Plans of
subdivision
of town
plots

"90. Any owner subdividing land and laying the same out as a town plot shall register a map of such town plot and shall deposit with the registrar three ~~duplicate~~ copies thereof and the registrar shall indorse thereon a certificate showing the number of such map and the date of registration and shall deliver one copy of the same to the commissioner of public works for the province, retain the original and one of the copies in the land titles office and return one copy to the owner."

Am 1908-9 p 113

5. Section 90 of the said Act is hereby amended by adding thereto the following subsections:

Section 90
amended

Registration
of plan to
vest title to
streets, etc.,
in Crown

"(5) The registration in the land titles office of the plan of the subdivision in lots or blocks of any land shall vest the title to all streets, lanes, parks or other reserves for public purposes shown on such plan in his Majesty in the right and to the use of his province of Saskatchewan; and no change or alteration in the boundaries of any street, lane, park or public reserve shall be made without the consent of the commissioner of public works having been first obtained.

Plans shall
conform to
regulations

"(6) No plan of subdivision of any land within the corporate limits of any city, town or village shall be registered unless it conforms to the regulations made or to be made by the council of such city, town or village with regard thereto and provided that such regulations and any amendments thereof or additions thereto have first been approved by the commissioner of public works; and no plan of subdivision of any land outside the corporate limits of any city or town shall be registered unless it conforms in all respects to the regulations of the department of public works with regard thereto."

S. 92 (5)
amended

6. Subsection (5) of section 92 of the said Act is hereby amended by inserting the words "in writing" after the word "consented" in the third line thereof.

S. 100 (1)
amended

7. Subsection (1) of section 100 of the said Act is hereby amended by striking out all the words after the word "Act" in the eighth line thereof.

S. 118 (3),
repealed and
new sub-
section

8. Subsection (3) of section 118 of the said Act as amended by section 10 of chapter 32 of the Statutes of 1907 intituled "*The Statute Law Amendment Act 1907*" is repealed and the following substituted therefor:

Probate
sufficient
for purpose

"(3) For the purposes of this Act the production of the probate of a will granted by the proper court of any province or territory of Canada or of the United Kingdom of Great Britain and Ireland resealed under the direction of a judge of a surrogate court and the deposit with the registrar of a sworn copy thereof shall be sufficient."

S. 123
amended

9. Section 123 of the said Act is amended by inserting after the word "registrar" in the twelfth line thereof the words "and a sworn copy thereof deposited with him," and by striking out the word "who" where it occurs in the said line and substituting therefor the words "and the registrar."

S. 129 (2),
repealed and
new sub-
section
When land
bound by
writ

10. Subsection (2) of section 129 of the said Act is repealed and the following substituted therefor:

"(2) Such writ shall bind the land covered thereby only from the time of the receipt of a certified copy thereof by the registrar for the registration district in which such land is situated."

11. Subsection (1) of section 133 of the said Act is repealed and the following subsection substituted therefor:

S. 133 (1)
repealed,
new
subsection

"133. A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall not be registered after a period of two months from the date of the order of confirmation unless the period be extended by order of the court or a judge filed with the registrar."

Period
within
which
such
transfer to
be
registered

12. The said Act is further amended by inserting therein as section 167a the following:

New section
167a.

"167a. The Government of the Province may accept and receive from the Government of Canada such portion of the assurance fund formed under the Act of the Parliament of Canada known as *The Territories Real Property Act* and continued as the assurance fund by the Act of the Parliament of Canada known as *The Land Titles Act 1894* as the said Government of Canada or Governor in Council of Canada may assign, transfer or pay over to the Government of the province and for the purpose of carrying the provisions of this section into effect the Lieutenant Governor in Council may by order provide for the adjusting of all questions arising between the Government of the province and the Government of Canada in connection with the assignment, transfer or payment over of such portion of the said assurance fund as aforesaid including the giving or executing on behalf of the province all such contracts of indemnity or otherwise as may be found necessary or expedient."

Government
may receive
assurance
fund
established
under
former
Acts

13. Section 169 of the said Act is amended by striking out the words "and cancelled duplicate certificate of title" in the fifth and sixth lines thereof.

S. 169
amended

14. Section 172 of the said Act is amended by inserting the word "or" after the word "lunacy" in the second line thereof and by striking out the words "or absence from the province" in the third line thereof.

S. 172
amended

✓ 1908

CHAPTER 30.

An Act to amend The Ordinance respecting Threshers' Liens.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

C.O., 1898, c.
60, s. 1
repealed,
new section

1. Section 1 of chapter 60 of *The Consolidated Ordinances* 1898 intituled "*An Ordinance respecting Threshers' Liens*" is hereby repealed and the following substituted therefor:

Threshers'
lien

"1. Every person who threshes or causes to be threshed grain of any kind for another person at or for a fixed price or rate of remuneration shall from the date of commencement of such threshing until sixty days after the completion of the same have a lien upon such grain for the purpose of securing payment of the said price or remuneration and may take a sufficient quantity of such grain to secure payment of said price or remuneration or of such part of proportion thereof as may be earned at the time of such taking; and such lien shall have priority over all writs of execution against the owner thereof or chattel mortgages, bills of sale or conveyances made by him and over all rights of distress for rent reserved upon the land upon which the grain is grown and the person performing such work of threshing or procuring the same to be done shall be deemed a purchaser for value of the grain which he takes by virtue of this Act:

Provided however that nothing in this section contained shall derogate from the priority conferred by section 15 of *The Bills of Sale Ordinance* upon mortgages, bills of sale, liens, charges, incumbrances, conveyances, transfers or assignments made, executed or created as a security for the purchase price and interest thereon of seed grain.

S. 2
amended

2. Section 2 of the said Ordinance is amended by striking out the words "less two and one-half cents per bushel for each ten miles" where they occur in the third and fourth lines thereof and substituting therefor the words "less one and one-half cents per bushel in the case of oats and two cents per bushel in the case of all other grain for each five miles or fractional part thereof."

Section 3
repealed

3. Section 3 of the said Ordinance is hereby repealed.

✓ 1908

CHAPTER 31.

An Act for the better Protection of Neglected and Dependent Children.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Children's Protection Act*." Short title

INTERPRETATION.

Interpreta-
tion

2. In this Act:

1. "Judge" means a judge of the supreme court or a judge of a district court or a stipendiary or a police magistrate or two justices of the peace acting together;

2. "Society" means any society incorporated under this Act or any other incorporated organisation approved of by the Lieutenant Governor in Council for the purpose of this Act;

3. "Municipality" means a city, town, village or rural municipality;

4. "Officer" means a member of the board of directors of a duly approved society or any person specially appointed by such society to enforce this Act or any superintendent appointed under the provisions of section 9 of this Act;

5. "Parent" when used in relation to a child shall include guardian and every person who is by law liable to maintain such child;

6. "Street" shall include any highway or public place whether a thoroughfare or not.

(7) "Child" means boy or girl apparently or actually under 16 1908-9/145

INCORPORATION.

3. Any five or more persons being British subjects and of the full age of twenty-one years and being residents within any municipality in Saskatchewan who shall desire to associate themselves together for the purpose of protecting children from cruelty and of caring for and protecting neglected, abandoned or orphaned children may make application in form 1 in the schedule to this Act for incorporation under the provisions of this Act. Application
for incor-
poration

Evidence
with appli-
cation

4. The signatures of the applicants and the facts stated in the application shall be verified by statutory declaration to the satisfaction of the provincial secretary.

Incorporation

5. Upon the provincial secretary giving his approval of such application by a certificate in form 2 in the schedule to this Act the persons who shall have signed the application and such others as may afterwards become members of the society shall be a body politic and incorporate by the name of "The Children's Aid Society of " and shall have perpetual succession and a common seal and may sue and be sued and complain and defend in any court and may make and enter into any contracts necessary to carry into effect the object of such society and may take and hold by gift, purchase, grant, devise or bequest any property real or personal and may dispose of and mortgage the same at pleasure.

DIRECTORS.

Board of
management

6. The affairs of every such society shall be managed by a board of not less than five directors; the society may by bylaw fix the number of the directors which shall be necessary to form a quorum.

Election of
directors

7. The directors of the society shall be elected by the members in a general meeting of the society assembled at such place within Saskatchewan and at such times as the application or the bylaws of the directors may prescribe.

Powers of
directors

8. The directors of the society shall have full power in all things to administer the affairs of the society and may make or cause to be made for the society any description of contract which the society may by law enter into and may from time to time make bylaws not contrary to law for regulating the number of directors of the society, the security to be given by them to the society, their term of service, the appointment, functions, duties and removal of all agents, officers and servants of the society, the security to be given by them to the society, the remuneration of directors, agents, officers and servants, the time at which and the place where the annual meeting of the society shall be held, the calling of meetings (regular or special) of the board of directors of the society, the quorum and the procedure in all things at such meetings, the qualifications and terms of admission of members and the conduct in all other particulars of the affairs of the society and may from time to time repeal, amend or reenact the same but every such bylaw and every repeal, amendment or reenactment thereof shall unless in the meantime confirmed at a general meeting of the society called for that purpose have force only until the next annual meeting of the society unless confirmed at such annual meeting:

Provided that one-fourth of the members shall at all times have the right to call a special meeting for the transaction of business specified in their written requisition to the president of the society.

SUPERINTENDENT OF NEGLECTED CHILDREN.

9. The Lieutenant Governor in Council may appoint an officer who shall be known as the superintendent of neglected children whose salary shall be paid out of such moneys as may from time to time be set apart for the purpose by the Legislative Assembly of the province and it shall be the duty of such officer:

Am 1908-9 p 145
^{Superintendent of neglected children}
^{Am 1908-9 p 145}

1. To encourage and assist in the organisation and establishment in various parts of the province of societies for the protection of children from neglect or cruelty and for the due care of neglected and abandoned children in temporary homes or shelters and the placing of such children in properly selected foster homes ~~and to have and exercise by virtue of his office the powers conferred upon such society;~~ *Am 1909 p 169*

2. To visit and inspect temporary homes or shelters as often as occasion may require and not less often than may be directed by Order in Council or departmental regulation in that behalf;

3. To provide for the visitation of children in foster homes and when specially directed to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act;

4. To see that a record is kept by such societies of all committals and of all children placed out in foster homes under this Act and of all particulars connected with each case;

5. To enforce the provisions of this Act;

6. To perform such other duties as may be prescribed by the Lieutenant Governor in Council.

(2) 1909 p 169

CARE OF NEGLECTED CHILDREN.

10. Any officer, peace officer, constable or policeman may apprehend without warrant and bring before a judge as neglected any child ~~apparently under the age of sixteen years~~ ^{Apprehension of neglected children} *Am 1908-9 p 145* who is within any of the following descriptions:

1. Who is found begging in any street, house or place of public resort;

2. Who is found wandering about at a late hour or sleeping at night in barns or outhouses or in the open;

3. Who is found associating or dwelling with a thief, drunkard or vagrant or who by reason of neglect or drunkenness or other vices of the parents or guardians of such child is

suffered to grow up without salutary parental control and education or in circumstances exposing such child to an idle and dissolute life;

4. Who is found in any disorderly house or in the company of reputed criminal, immoral or disorderly people;

5. Who is a destitute orphan or who has been deserted by his or her lawful parents or guardians;

6. Who is found guilty of petty crimes and who is likely to develop criminal tendencies if not removed from his or her surroundings;

7. Who is an habitual truant from school or habitually wanders about the street or public places during school hours without any lawful occupation or employment.

Examination

(S) (19)(10) 1909 p 169
11. Any child apprehended under the next preceding section of this Act shall be brought before a judge for examination within forty-eight hours after such apprehension and it shall thereupon be the duty of the judge to investigate the facts of the case and ascertain whether such child is neglected and the said judge shall have power to compel the attendance of witnesses.

(2) The parents or persons in whose custody such child was at the time of its apprehension shall be notified of such examination.

in 1909 p 169
(3) If on such examination the judge finds that any child is neglected within the meaning of the next preceding section ~~so as to be in a state of habitual vagrancy or mendicancy or ill treated so as to be in peril of life, health or morality by continued personal injury or by grave misconduct or habitual intemperance of the parents or guardians~~ he shall set out such finding by a proper order in that behalf and may order delivery of such child to a society; and such society may send such child to a temporary home or shelter to be kept until placed in an approved foster home pursuant to the provisions of this Act.

in 1909 p 169

Order

cancel the order with the Capt & re-appoint him and
(4) The judge shall deliver to the society a certified copy of the order made in the case which shall contain besides the said finding a statement of the facts so far as ascertained as to the age of such child, name, nationality, residence and occupation of parents or either of them or whether either of them is dead or has abandoned the child; and in the case of the examination of two or more children at the same time only one order need be made.

Placing children in an industrial school or refuge

12. If at any time after the making of the order pursuant to the provisions of the next preceding section it is established to the satisfaction of the attorney general that a child may be better cared for and educated in an industrial school or refuge for boys and girls the attorney general may at the expense of

the province cause such child to be removed to one of such institutions in or outside of the province willing to receive such child there to be kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of twenty-one years but not exceeding in any event three years and thereafter to be delivered to the society for the purpose of being placed in an approved foster home until the child attains the age of twenty-one years.

13. The Lieutenant Governor in Council may at any time upon the recommendation of a judge of the district court or of the supreme court discharge a child from the custody of any person, society, industrial school or refuge to whom or to which it is committed under this Act either absolutely or on such conditions as may be approved of and may from time to time make, alter or revoke rules in relation to the procedure of societies operating under the provisions of this Act.

14. A judge may upon application of any society to whose custody or control a child is committed make an order for the payment by the municipality to which the child belongs of a reasonable sum not being less than \$2 weekly for the expense of supporting the child by the society in any temporary home or in any foster home in which the child may be placed by the society until the child reaches the age of twelve years in the case of a girl and fourteen years in the case of a boy.

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which said child has last resided for the period of one year; but in the absence of evidence to the contrary residence for one year in the municipality in which such child was taken into custody shall be presumed.

(3) The municipality having made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment shall be entitled to recover from such other municipality the amount so paid.

(4) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parent of the child in respect of whom such expenditure is made.

15. The society to which the care of any child may be committed under the provisions of this Act shall be the legal guardian of such child and it shall be the duty of such society to use special diligence in providing suitable foster homes for such children as may be committed to its care; and such society is hereby authorised to place such children in foster homes on a written agreement during minority or any less period in the discretion of such society; all such contracts

shall contain a clause reserving the right to withdraw the child from any person having the custody of the child when in the opinion of the society placing out such child the welfare of the child requires it.

Effect of
surrender
by parent or
guardian

16. No parent or guardian or other person who by instrument in writing surrenders or has surrendered the custody of a child to any children's aid society or incorporated children's home shall thereafter contrary to the terms of such instrument be entitled to the custody or any control or authority over or any right to interfere with any such child.

(a) 1909 p 169

PENALTIES AND PROVISIONS.

Penalty for
ill treating
children

17. Any person who having the care, custody, control or charge of a child being a boy under the age of fourteen years or being a girl under the age of sixteen years ill treats, neglects or abandons such child or causes or procures such child to be ill treated, neglected or abandoned shall be guilty of an offence under this Act and on summary conviction thereof by a judge shall be liable to a fine not exceeding \$100 and in default of payment of such fine or in addition thereto to imprisonment with or without hard labour for any term not exceeding three months.

Harbouring
an abscond-
ing ward

18. Any person wilfully harbouring an absconding ward of any such society shall be liable on summary conviction to a fine not exceeding \$100 or alternatively or in default of payment of such fine or in addition thereto to imprisonment with or without hard labour for any term not exceeding three months.

Powers
respecting
ill used
children

19. Whenever there is reason to believe that any child is being ill treated or neglected within the meaning of section 10 of this Act in any house or building or that any absconding ward of any such society is being harboured in any house or building then upon any complaint thereof being made upon oath by any officer of the society or any constable or police officer to any judge such judge may issue a warrant to enter by day or night such house or building and if necessary use force for the purpose of effecting such entry and to search for such child and bring such child before a judge to be dealt with in the manner provided by section 11 of this Act.

(2) It shall not be necessary in any information or warrant for the purpose of this section to specify any particular child.

Children
apprehended
under this
Act to be
kept sepa-
rate from
adults in
lockups, etc.

20. No child under fourteen years of age if a boy or sixteen years if a girl who is held for examination under the provisions of this Act shall be placed in the company of adult persons in any police lockup or common gaol but shall be kept in a separate room or building.

21. Any examination, prosecution or proceeding arising under the provisions of this Act may be conducted privately. ^{Examination may be private}

22. Where a person is charged with an offence under this Act in respect to a child who is alleged to be under any specified age and the child appears to the judge to be under that age such child shall for the purpose of this Act be deemed to be under that age unless the contrary is proved. ^{Presumption of age of child}

23. The Lieutenant Governor in Council may in cases herein provided for make such rules and regulations as he may deem necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning. ^{Lieutenant Governor in Council may make regulations}

SCHEDULE.

FORM 1.

(Section 3.)

We, the undersigned, all being of the full age of twenty-one years and being British subjects and residents within (name ^{Application for incorporation} the city, town, village, rural municipality, as the case may be, within which the society is to be formed) in the Province of Saskatchewan do hereby make application for incorporation as "The Children's Aid Society of _____" under the provisions of *The Children's Protection Act* and do hereby adopt the following articles of incorporation:

1. The society shall be known as "The Children's Aid Society of (give distinguishing name)."

2. The business and objects of the society shall be the protection of children from cruelty and caring for and protecting neglected, abandoned or orphaned children and the enforcement by all lawful means of the laws relating thereto.

3. The number of directors of the society shall be

4. The names of the first directors of the society who shall hold office until the first annual meeting of the society are:

5. The annual meetings of the society shall be held at _____ on the _____ day of _____ in each year until changed by bylaw of the society.

In witness whereof we have hereunto severally subscribed our names this _____ day of _____ in the year one thousand nine hundred and

In the presence of

FORM 2.

(Section 5.)

CERTIFICATE TO BE INDORSED ON APPLICATION.

I hereby approve of the within application for incorporation
as "The Childrën's Aid Society of (*give distinguishing
name*)."

.....
Provincial Secretary.

✓ 1908

CHAPTER 32.

An Act respecting the Taxation of the Earnings of Railway Companies.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Railway Taxation Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the expression "railway company" or "company" means every railway company owning or operating a railway in the province whether the head office is situate in Saskatchewan or elsewhere and which transacts business in Saskatchewan and includes every company operating a railway in Saskatchewan whether as an original enterprise or undertaking or under a lease, contract or agreement or otherwise howsoever.

(2) The date of the commencement of the operation of any railway or of any line or branch thereof or of any portion of such railway line or branch shall for the purposes of this Act be deemed to be such date as is fixed by the Lieutenant Governor in Council.

TAXATION OF EARNINGS OF RAILWAY COMPANIES.

3. Every railway company at present owning or operating or which may hereafter own or operate any line or lines of railway situated or partly situated within Saskatchewan shall during the year one thousand nine hundred and eight and annually thereafter pay to the Crown in this province such part or portion of its gross earnings derived from the said line or lines of railway or such portions thereof as are within Saskatchewan as may be determined by the Lieutenant Governor in Council not to exceed the following:

- (a) In respect of that part of the railway or branch of railway in operation for seven years or more three per cent. of the gross earnings derived from the operation of the same;

- (b) In respect of that part of the railway or branch of railway in operation for five years or more and less than seven years one and one-half per cent. of such gross earnings:

Provided that no tax shall be payable hereunder on the gross earnings of any railway or branch thereof until such railway or branch has been in operation for five years.

Amended 1908-9 p 22

When tax payable

4. The tax imposed by this Act shall be payable to the provincial treasurer on the first day of August, 1908, and in each year thereafter on the first day of May and shall be calculated on the gross earnings of the company for the calendar year ending on the thirty-first day of December last preceding the date of payment herein provided for.

Statement of gross earnings

5. On or before the first day of July, 1908, and on or before the first day of April in each year thereafter every such railway company shall deliver to the provincial treasurer a statement showing fully and completely the gross earnings derived from the line or lines of railway owned or operated by it in Saskatchewan during the last preceding calendar year.

(2) If the company fails to deliver said statement the provincial treasurer may for the purpose of levying the tax to be paid by any company so making default fix the amount of the gross earnings of the company at such amount as he deems fair and reasonable and whatever amount may be so fixed by the provincial treasurer shall be for all the purposes of this Act the gross earnings of the company for that year.

How verified

6. Such statement shall be verified by and under the oath of the president or vice president and manager or by such person or persons connected with the company as the provincial treasurer may require and shall be in accordance with the form in the schedule hereto or upon such other form as may be from time to time provided by the said treasurer.

Form of statement

Examination to ascertain the truth of the statement

7. For the purpose of ascertaining the truth of any statement made under and by virtue of the provisions of this Act full power and authority is hereby vested in the provincial treasurer with the approbation of the Lieutenant Governor in Council to examine under oath the officers and employees of the company making such statement or statements; and for such purpose the treasurer shall have the same power to require the production of documents and enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of law in civil cases.

8. Each railway company as aforesaid which neglects to make the return provided for under section 5 of this Act at the time and in the manner therein provided shall be liable to a penalty of \$25 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under this Act and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the treasurer aforesaid with the consent of the attorney general to be tried by a judge without a jury.

Penalty for
default in
making
return

Recovery of
penalty

9. In case of default of any taxes imposed by this Act the same may be levied and collected with costs of distress upon the goods and chattels of the railway company liable therefor under a warrant signed by the provincial treasurer directed to the sheriff of any judicial district in which the company in arrear may have goods and chattels; and in such case the sheriff shall realise the said taxes or so much thereof as may be in arrear and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs or the said taxes or penalty and double tax provided by this Act or both may at the option of the provincial treasurer be sued for and recovered with costs in any court of competent jurisdiction in an action to be brought in the name of the provincial treasurer and the action or suit shall be tried by a judge without a jury.

Recovery of
taxes by
distress

Or by suit

10. If the provincial treasurer is not satisfied as to the correctness of a statement made and returned by a railway company under the provisions of this Act he may with the approval of the Lieutenant Governor in Council appoint one or more competent persons to determine and report the true gross earnings upon which in the opinion of such person or persons the taxes imposed by this Act should be paid and the report or determination of the person or persons so appointed in the premises shall upon the approval of the Lieutenant Governor in Council be final and conclusive as to the particulars mentioned in such report and not subject to variation or be questioned in any manner whatsoever.

Proceedings
when treas-
urer not
satisfied
with cor-
rectness of
statement

(2) If the gross earnings upon which the taxes imposed by this Act and contained in the statement of a company as aforesaid is increased the company shall pay the costs of the inquiry; but if the statement is found to be correct and the required information was duly and truthfully furnished the provincial treasurer may direct the costs to be paid by the province.

Costs of the
inquiry

(3) In case the said report shows that the statement under- states the gross earnings on which the tax should be paid the company besides paying the costs of the inquiry shall pay as a

Penalty for
incorrect
statement

tax such sum as shall be found payable under the report with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections:

When penalty may be remitted

Provided that the Lieutenant Governor in Council may upon the recommendation of the provincial treasurer and upon being satisfied that the said statement was made in good faith and not with the intent or for the purpose of decreasing the amount of the taxes to be paid remit so much of the added percentage as to him in his discretion may seem meet.

Expense of carrying out the Act

11. The taxes imposed by this Act shall form part of the general revenue fund of the province and any and all expenses incurred in carrying out this Act may from time to time be paid out of such revenue on the recommendation of the provincial treasurer.

When to sue for penalties

12. The penalties under this Act may be recovered in any court of competent jurisdiction in an action at the instance of the provincial treasurer by the consent of the attorney general.

Who to take oaths

13. Any oath required to be taken under this Act may be taken before a commissioner for oaths or a notary public.

Procedure in actions under Act

14. In any action brought by the provincial treasurer under this Act it shall be sufficient if the action is brought by "The Treasurer of the Province of Saskatchewan" as plaintiff; and it shall not be necessary to name the treasurer and the action shall not abate by reason of a change in the person of the treasurer or a vacancy in the office of treasurer but this action may proceed as though no change had been made or vacancy had occurred.

Railway companies to be exempt from all other taxes

15. In the case of every railway company ^{subject to taxation} ~~and paying taxes~~ coming within the provisions of this Act and the railway or railways or branch thereof now owned, leased or operated or which may hereafter be owned, leased or operated by any such company and the land comprised in the right of way, station grounds, yards and terminals of the railway and all buildings, structures and personal property used for the purposes of the operation of the railway and the income or earnings therefrom shall be free and exempt from all assessments and taxation within Saskatchewan by whomsoever imposed or which but for the provisions of this Act might be made or imposed except such as are made or imposed under the provisions of this Act.

Cities may collect frontage taxes for local improvements

16. Nothing herein contained shall take away from any incorporated city or town any right or power which any incorporated city or town may have of assessing and levying

on the real property of any railway company fronting or abutting on any street or place taxes for local improvements done in, under or upon any such street or place according to the frontage of such real property so fronting or abutting on such street or place or relieve any railway or telegraph company owning or operating a telegraph line or lines in the province from the payment of taxes imposed in that behalf ^{Telegraph lines to be taxable} under the provisions of *The Corporations Taxation Act*.

17. Nothing in this Act contained shall affect any assess- ^{Pending litigation not affected} ment or taxation heretofore made or any cause, suit, action or proceeding pending at the date of the coming into force of this Act.

SCHEDULE

FORM OF STATEMENT TO BE GUARANTEED BY RAILWAY COMPANIES.

(Section 5.)

We, _____ of _____, in the Province of _____, each for ourselves make oath and say:

1. That I, the said _____, am the president (or as the case may be), and that I, the said _____, am the (*state the office held*) of (*state the railway*).

2. That we have a personal knowledge of the affairs of the said railway company.

3. That the gross earnings of the railway derived from the operations of the railway within Saskatchewan for the year ending the thirty-first of December (*state the year*) was the sum of \$ (*state full particulars giving in the case of each line and branch line or part thereof of railway owned or operated, the gross earnings thereof separately*).

Sworn before me at the _____ of _____ in the Province of _____ this _____ day of _____ 19 .

1908

CHAPTER 33.

An Act authorising Municipal Grants towards the
Purchase of the Quebec Battlefields.

[Assented to June 12, 1908.]

Preamble

WHEREAS it is desirable to empower the several municipalities of the province to vote and grant money contributions towards the purchase of the Quebec battlefields; Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Municipal
councils
empowered
to make
grants

1. All grants of money heretofore or which may hereafter be voted by the municipal council of any city, town, village or rural municipality within Saskatchewan for the purpose set forth in the preamble of this Act are hereby made and declared legal and valid and within the powers of the said council.

How to be
paid

2. Any such amount so granted or voted may be paid out of any unappropriated fund of the municipality so voting the same or may be assessed and collected in the same manner as other rates and taxes within such city, town, village or rural municipality respectively so granting the same.

✓ 1908

CHAPTER 34.

An Act respecting the Punishment of Corrupt Practices at Municipal Elections and the Trial of Controverted Municipal Elections.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. This Act may be cited as "*The Controverted Municipal Elections Act.*" Short title
2. In this Act unless the context otherwise requires:
 1. The expression "clerk of the municipality" means and includes the clerk of any city or town or the secretary of any village or rural municipality, as the case may be; Interpretation
Clerk of the municipality
 2. The expression "court" means the district court of the judicial district within which the municipality is wholly or mainly situated, and the expression "judge" means the judge of said court; Court, judge
 3. The expression "council" means the municipal council of any city, town, village or rural municipality; Council
 4. The expression "municipality" means and includes cities, towns, villages and rural municipalities; Municipality
 5. The expression "voter" means any person entitled to vote at any election or upon any bylaw, as the case may be, in any municipality or any person actually voting at any such election or upon any such bylaw. Voter

CORRUPT PRACTICES.

3. The following persons shall be deemed guilty of bribery and shall be punishable accordingly: Bribery
 1. Every person who directly or indirectly by himself or by any other person on his behalf gives, lends or agrees to give or lend or offers or promises money or valuable consideration or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any voter or to or for any person in order to induce any voter to vote or to refrain from voting at an election or to vote or refrain from voting upon a bylaw for raising money or creating a

debt or who corruptly does any such act as aforesaid on account of such voter having voted or having refrained from voting at such election or upon such bylaw;

2. Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the council or to procure or defeat the passing of any bylaw as aforesaid or the vote of any voter at an election or at the voting upon any bylaw;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election or to procure or defeat the passing of any bylaw as aforesaid or the vote of any voter at an election or at the voting upon a bylaw;

4. Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon any such bylaw as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such bylaw;

5. Every voter who before or during an election or before or during the voting on any such bylaw directly or indirectly by himself or any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such bylaw;

6. Every person who after any such election or the voting upon any such bylaw directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such bylaw;

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying voters to or from the polls and every person who receives pay for the use of any horses, teams, carriages or other vehicles for the purpose of conveying voters to and from any poll as aforesaid.

Threats, etc. 4. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint or inflicts or

threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss or in any manner practises intimidation upon or against any person in order to induce or compel any such person to vote or refrain from voting at any election or at the voting upon any bylaw or on account of any such person having voted or refrained from voting thereat or who by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to give or refrain from giving his vote at any election or at the vote upon any bylaw shall be deemed to have committed the offence of undue influence.

5. The actual personal expenses of a candidate, his ^{Personal expenses} expenses for actual professional services performed and all *bona fide* payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act.

6. When upon a motion in the nature of a *quo warranto* ^{Evidence on quo warranto} a question is raised as to whether the candidate or any voter or other person has been guilty of any violation of section 3 or section 4 hereof affidavit evidence shall not be used to prove the offence but it shall be proved by *viva voce* evidence.

7. Any candidate elected at an election who is found guilty ^{Forfeiture and disqualification} by a judge upon the hearing of a motion in the nature of a *quo warranto* of any act of bribery or of using undue influence as aforesaid shall forfeit his seat and shall be ineligible as a candidate at any election for four years thereafter.

8. Any person who is adjudged guilty of any offence within ^{Disqualification} the meaning of section 3 or section 4 hereof shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any bylaw for the next succeeding two years.

9. The money penalty imposed by the next preceding ^{Recovery of penalty} section shall be recoverable with full costs of suit by any person who sues for the same in the district court and any person against whom judgment is rendered shall be ineligible either as a candidate or an elector until the amount so recovered against him has been fully paid and satisfied.

10. The judge may direct that in default of payment of the ^{Imprisonment} said penalty and costs within the time fixed by the judge the offender shall be imprisoned for such period not exceeding thirty days as is directed by the said judgment and in case of such default of payment the judge may issue a warrant for the arrest and imprisonment of the offender in accordance with the said judgment until the penalty and costs are fully paid or for such other period not exceeding thirty days as the order may direct.

**Report of
liability to
penalty**

11. The judge who finds any candidate guilty of a contravention of section 3 or section 4 hereof or who condemns any person to pay any penalty imposed under section 8 shall report the same forthwith to the clerk of the municipality.

**Record of
disqualified
persons**

12. The clerk of the municipality shall enter in a book to be kept for that purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 3 or section 4 hereof and whose names have been reported to him by the judge aforesaid.

Witnesses

13. Every witness shall be bound to attend before the judge upon being served with a subpoena directing his attendance and upon payment of the necessary witness fees and conduct money and in default thereof he may be punished for contempt.

**Privilege of
witnesses**

14. No person shall be excused from answering any question put to him upon the hearing of any motion in the nature of a *quo warranto* or in any proceeding touching or concerning any election or the voting upon any bylaw or the conduct of any person in relation thereto on the ground of any privilege or on the ground that the answer to the question will tend to criminate him; but no answer to any such question shall be used in any proceeding under this Act against such person if the judge gives to him a certificate that he made full and true answers to the satisfaction of the judge.

Limitation

15. All proceedings under this Act other than an application in the nature of a *quo warranto* against any person for any violation of section 3 or section 4 hereof shall be commenced within four weeks after the election at which the offence is alleged to have been committed or within four weeks after the day of the voting upon a bylaw as aforesaid.

Exemption

16. No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a bylaw in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principal offender.

**Duties of
clerk**

17. The clerk of the municipality shall prior to every election or the voting upon any bylaw furnish every deputy

returning officer and assistant deputy returning officer with at least two copies of sections 3 to 16 hereof inclusive; and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

TRIAL OF CONTESTED ELECTIONS.

18. In case the validity of the election of a member of any municipal council or his right to hold the seat is contested ^{Trial of contested election} the same may be tried by a judge; any candidate at the election or any voter who gave or tendered his vote thereat or (in case of an election by acclamation or in case the right to sit is contested on the grounds that a member of the council has become disqualified or has forfeited his seat since his election) any voter may be the relator for the purpose.

19. If within six weeks after an election a relator shows by affidavit to a judge reasonable grounds for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of any member of the council or in case at any time a relator shows by affidavit to a judge reasonable grounds for supposing that a member of the council has forfeited his seat or has become disqualified since his election and has not resigned his seat the judge may grant his fiat authorising the relator upon entering into a sufficient recognisance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter. ^{Notice of motion}

(2) The recognisance shall be entered into before the judge or before a commissioner for oaths by the relator in the sum of \$200 and by two sureties to be allowed as sufficient by the judge upon affidavits of justification each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made (who is herein called "the respondent") any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognisance has been allowed as sufficient by the judge he shall note or indorse thereon and upon the fiat allowing service of the notice of motion the words "recognisance allowed" and shall initial the same.

20. The notice of motion shall be at least a seven clear days' notice and it may either state the return day of the motion or may state that the notice will be made on the eighth day after the day of service of the notice excluding the day of service. ^{Contents of notice}

(2) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or a voter and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favour of the validity of the election of the relator or of any other person or persons where the relator claims that he or they or any of them have been duly elected or the grounds of forfeiture or disqualification of the respondent or as the case may be.

Affidavits,
etc.

21. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where *viva voce* evidence is to be taken; when in such case he shall name in his notice the witnesses whom he proposes to examine.

Service

22. The notice shall be served in such manner as the judge shall direct.

Time of
service

23. Services of the notices of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge.

Claim of
seat

24. In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

Combination
of motions

25. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against all such persons.

Grounds of
decision

26. Upon the hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

Production
of papers

27. The judge may require the clerk of the municipality to produce before him such ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit.

Returning
officer, etc.,
may be
added

28. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto.

29. The judge may allow any person entitled to be a ^{Intervention of other parties} relator to intervene and prosecute or defend and may grant a reasonable time for that purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

30. The judge shall in a summary manner without formal ^{Hearing} pleadings hear and determine the validity of the election or the right of the respondent to sit; and may inquire into the facts on affidavit or affirmation or by oral testimony.

31. In case the election complained of is adjudged invalid ^{Judgment} the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected the judge shall forthwith order such other person to be admitted to the office.

32. Where an election has been held invalid owing to the ^{Liability of returning officer, etc.} improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified voters or to give ballot papers to duly qualified voters the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer.

(2) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer or assistant deputy returning officer or shall be deemed to relieve such returning officer from any other penalty or punishment to which he may be liable.

33. After the adjudication upon the case an order shall ^{Form and effect of order} be drawn up in the usual manner which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of *mandamus* formerly had in the like case.

34. The judge shall immediately after his decision return ^{Return} his order with all things had before him touching the same to the proper office of the court in which the proceedings are entitled there to remain of record as a judgment of the court; and as occasion requires the judgment may be enforced in the same manner as an ordinary order of *mandamus* and (for the costs awarded) by writs of execution.

35. Any person whose election is complained of unless such ^{Disclaimer after motion} election is complained of on the ground of corrupt practices on

the part of such person or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit postpaid through the post office directed to the clerk of the court and also to the relator or his solicitor or he may cause to be delivered to the said clerk and to the relator or his solicitor a disclaimer signed by him in the form or to the effect following:

I, *A.B.*, upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or reeve, overseer, alderman or councillor *as the case may be*) of (*name of municipality*), do hereby disclaim the said office and all defence of any right I may have to the same.

Dated this

day of
(Signed) *A.B.*

Transmis-
sion

36. The disclaimer or the envelope containing the same shall be indorsed on the outside thereof with the word "disclaimer" and shall if sent through the post be registered at the post office where it is mailed.

Disclaimer
before
motion

37. When there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the clerk of the municipality a disclaimer signed by him as follows:

I, *A.B.*, do hereby disclaim all right to the office of (mayor reeve, overseer, alderman or councillor *as the case may be*) for (*name of municipality*) and all defence of any right I may have to the same.

Dated this

day of
(Signed) *A.B.*

Effect of
disclaimer

38. A disclaimer filed under section 37 hereof shall relieve the person making it from all liability to costs and where a disclaimer has been made in accordance with section 35 or section 37 hereof it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by the provisions of the law governing the municipality respecting the filling of vacancies in the council.

Transmis-
sion

39. Every person disclaiming under section 35 hereof shall deliver a duplicate of his disclaimer to the clerk of the municipality and the said clerk shall forthwith communicate the same to the council.

Commence-
ment of Act

40. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

✓
1908

CHAPTER 35.

An Act to amend The Public Libraries Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Subsection (2) of section 9 of *The Public Libraries Act* ^{1906 c. 37}
as the said subsection is enacted in chapter 37 of the Statutes ^{repealed}
of 1906 and amended by section 2 of chapter 26 of the ^{s. 9 (2)}
Statutes of 1907 is repealed and the following substituted ^{New sub-}
therefor: ^{section 2}

"(2) The board shall be composed of seven members as ^{Members of}
follows: The mayor or other head official of the municipality ^{board}
shall be *ex officio* a member of the board during his term of
office and the council shall appoint from among the residents
of the municipality the remaining six members of the board
three of whom shall hold office until the date of the first meeting
of the council in January of the year following their appoint-
ment and the other three shall hold office until the date of the
first meeting of the council in January of the second year
following their appointment:

Provided always that the council may at any time appoint ^{Proviso}
any resident of the municipality to fill any vacancy on the
board however occurring and the resident so appointed shall
hold office during the unexpired portion of the term of the
member in whose stead he was appointed."

2. Subsection (1) of section 31 of the said Act is amended ^{S. 31 (1)}
by striking out the words "and erecting the" in the fifth line ^{amended}
thereof and substituting therefor the words "the necessary
land, erecting."

✓ 1908

CHAPTER 36.

An Act to amend The Legal Profession Act.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1907, c. 19,
amended

1. The following section is added to *The Legal Profession Act*:

Admission
of barristers
not other-
wise provid-
ed for

“36a. Notwithstanding anything herein contained the
benchers may make rules and regulations for the admission
of persons to practise as barristers and solicitors other than
those mentioned in section 8 hereof:

“Provided that no such person shall be admitted unless he
is a British subject and has been admitted to practise as a
legal practitioner in some province, state or country.”

S. 45.
repealed

2. Section 45 of *The Legal Profession Act* is hereby
repealed.

1908

CHAPTER 37.

An Act to provide for the Consolidation of the
Statutes of Saskatchewan.

[Assented to June 12, 1908.]

WHEREAS under the provisions of *The Revised Statutes* ^{Preamble}
Act 1906 by a commission issued by the Lieutenant Governor in Council on the twenty-ninth day of September, 1906, the Honourable Edward Ludlow Wetmore, the Honourable Henry William Newlands, the Honourable James Emile Pierre Prendergast, three of the justices of the supreme court of the North-West Territories, the Honourable Thomas Horace McGuire, one of his Majesty's counsel learned in the law, the members of the Executive Council of the province of Saskatchewan, Frederick William Gordon Haultain, esquire, one of his Majesty's counsel learned in the law, Frank Ford, esquire, deputy attorney general of the province of Saskatchewan, and Joseph Fulton Frame, law clerk of the department of the attorney general, were appointed commissioners for the purpose of revising and consolidating the public Statutes of the province and the Ordinances of the North-West Territories in force in the province of Saskatchewan; and whereas the said Joseph Fulton Frame has tendered his resignation as a member of the said commission; and whereas the Honourable Thomas Cook Johnstone, one of the justices of the supreme court of Saskatchewan, and the Honourable John Henderson Lamont, one of the justices of the supreme court of Saskatchewan, were by an Order in Council dated the eighteenth day of November, 1907, associated in the commission appointed by the aforesaid Order in Council of the twenty-ninth day of September, 1906; and whereas the said commissioners have completed the consolidation of the said Statutes except so far as alterations and additions are rendered necessary by the legislation of the present session; and whereas it is in the public interest that the said consolidation should as soon as practicable and prior to the holding of another session of this Legislature be issued and authorised as *The Revised Statutes of Saskatchewan*;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Printed roll
to be
deposited
with clerk
of
Legislative
Assembly

1. So soon as the said commissioners shall report in writing signed by a majority of them and by the chairman the completion of the said consolidation including therein such Acts and parts of Acts passed during the present session as the Lieutenant Governor may deem advisable to be included the Lieutenant Governor may cause a printed roll thereof attested under his signature and countersigned by the provincial secretary to be deposited in the office of the clerk of the Legislative Assembly.

2. There shall be appended to the said roll schedules similar in form to the schedules appended to *The Consolidated Ordinances 1898* showing:

- (a) The Ordinances and parts of Ordinances of the North-West Territories, Acts and parts of Acts of Saskatchewan consolidated in *The Revised Statutes of Saskatchewan 1908*;
- (b) The Ordinances of the North-West Territories since *The Consolidated Ordinances 1898* and the Statutes of Saskatchewan which have been disallowed;
- (c) The portions of *The Consolidated Ordinances 1898* and subsequent Public General Ordinances of the North-West Territories and Statutes of Saskatchewan which have been repealed prior to the consolidation;
- (d) The portion of such Ordinances and Statutes which are not consolidated and showing also where the provision of each section or portion of section of the Ordinance and Statute consolidated are to be found in the consolidation;
- (e) The Ordinances and parts of Ordinances of the North-West Territories and the Acts and parts of Acts repealed from the coming into force of *The Revised Statutes of Saskatchewan 1908*;
- (f) The Ordinances and parts of Ordinances and Acts and parts of Acts left unrepealed.

Powers of
commis-
sioners as to
alterations

3. The said commissioners in consolidating the said Statutes may make such alterations in the language thereof as are requisite in order to preserve a uniform mode of expression and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors.

Proclama-
tion
declaring
statutes in
force

4. The Lieutenant Governor in Council after the deposit as aforesaid of the said roll may by proclamation declare the

day from and after which the same shall come into force and have effect as law by the designation of *The Revised Statutes of Saskatchewan 1908*.

5. On and from such day the same shall accordingly come into force and effect by the said designation to all intents and purposes as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and from such day; and on and from the same day all the enactments in the several Ordinances and parts of Ordinances and in the several Acts and parts of Acts in the said schedule mentioned shall so far as they relate to Saskatchewan stand and be repealed to the extent mentioned in the said schedule save only as hereinafter is provided.

6. The repeal of the said Ordinances and parts of Ordinances and of said Acts and parts of Acts shall not revive any Ordinance, Act or provision of law repealed by them nor shall the said repeal prevent the effect of any saving clause in the said Ordinances and parts of Ordinances or in the said Acts and parts of Acts or the application of any of the said Ordinances or parts of Ordinances or of the said Acts or parts of Acts or of any Ordinance, Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it.

7. The repeal of the said Ordinances and parts of Ordinances and Acts and parts of Acts shall not affect:

- (a) Any penalty, forfeiture or liability incurred before the time for such repeal or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; Penalties, etc.
- (b) Any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; Actions, etc.
- (c) Any act, deed, right, title, interest, grant, assurance, descent, will, registry, bylaw, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal; Acts, deeds, rights, etc.
- (d) Any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal; or Offices, etc.
- (e) Any marriage, certificate or registry thereof lawfully had, made, granted or existing before or at the time of such repeal. Marriages, etc.

Nor any
other
matters

(2) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal; but every such

But the
same shall
remain
valid

- (a) Penalty, forfeiture and liability;
- (b) Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding matter or thing;
- (c) Act, deed, right, title, interest, grant, assurance, descent, will, registry, bylaw, rule, regulation, contract, lien, charge, matter or thing;
- (d) Office, appointment, commission, salary, allowance, security and duty;
- (e) Marriage, certificate and registry thereof; and every such other matter and thing and the force and effect thereof, respectively;

And may be
enforced,
etc., and
under what
laws

may and shall remain and continue as if no such repeal had taken place and so far as necessary may and shall be continued, prosecuted, enforced and proceeded with under the said Revised Statutes and other Statutes and laws having force in Saskatchewan so far as applicable thereto and subject to the provisions of the said several Statutes and laws.

Revised
Statutes
not to be
deemed
new laws

8. The said Revised Statutes shall not be held to operate as new laws but shall be construed and have effect as a consolidation of the law as contained in the said Ordinances and parts of Ordinances and in said Acts and parts of Acts so repealed and for which the said Revised Statutes are substituted; and the Legislature is not to be deemed to have adopted the construction which may by judicial decision or otherwise have been placed upon the language of any of the Statutes included amongst the said Revised Statutes.

How
construed
where the
same in
effect as
the repealed
Acts

(2) The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Ordinances and parts of Ordinances and the Acts and parts of Acts so repealed shall where they are the same in effect as those of the Ordinances and parts of Ordinances and Acts and parts of Acts so repealed be held to operate retrospectively as well as prospectively and to have been passed upon the days respectively upon which the Ordinances and parts of Ordinances and the Acts and parts of Acts so repealed came into effect.

How
construed
if in any
case they
differ from
the repealed
Acts

(3) If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Ordinances and parts of Ordinances and Acts and parts of

Acts for which they were substituted then as respects all transactions, matters and things, subsequent to the time when the said Revised Statutes take effect the provisions contained in them shall prevail; but as respects all transactions, matters and things anterior to the said time the provisions of the said repealed Ordinances and parts of Ordinances and Acts and parts of Acts shall prevail.

(4) The marginal notes and headings in the body of the said Revised Statutes and references to former enactments shall be held to form no part of the said Statutes but to be inserted for convenience of reference only.

9. Any reference in any former Ordinance or Act remaining in force or in any instrument or document to any Ordinance, Act or enactment so repealed shall after the Revised Statutes take effect be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Ordinance, Act or enactment.

10. The insertion of any Ordinance or Act in the said schedules shall not be construed as a declaration that such Ordinance or Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

11. Copies of the said Revised Statutes printed by the Government Printer from the roll so deposited shall be received as evidence of the said Revised Statutes in all courts and places whatsoever.

12. This Act shall be printed with the said Revised Statutes and shall be subject to the same rules of construction as the said Revised Statutes.

13. Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceeding whatever either by its title as an Act or by its short title or by using the expression "The Revised Statute Respecting" (adding the remainder of the title given at the beginning of the particular chapter) or by using the expression "The Revised Statutes of Saskatchewan 1908, chapter" (adding the number of the particular chapter in the copies printed by the Government Printer).

1908.

CHAPTER 38.

An Act to amend The Statute Law.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Short title 1. This Act may be cited as "*The Statute Law Amendment Act 1908.*"

C.O. 1898,
c. 14 s. 3
amended 2. Section 3 of *The Vital Statistics Ordinance* is amended
by striking out the words "Territorial Secretary" in the
fourth and fifth lines thereof and inserting in lieu thereof
the words "commissioner of agriculture."

S. 17
amended (2) Section 17 of the said Ordinance is amended by
inserting therein after the word "burials" in the second line
thereof the words "or to certify as to the cause of death."

C.O. 1898
c. 26, s. 2
amended 3. Section 2 of *The Creditors' Relief Ordinance* is
amended by striking out the words "Supreme Court of the
North-West Territories" in the fifth line thereof and by
substituting therefor the words "district court of the
judicial district to the sheriff of which any writ of execution
is delivered."

S. 15
amended (2) Section 15 of the said Ordinance is amended by
striking out all the words after the word "money" in the
fourth line thereof and by substituting therefor the words "in
the bank designated by rules of court as the bank in which
money paid into court in the judicial district shall be
deposited and such deposit shall be made in the name of the
sheriff in trust."

C.O. 1898
c. 39, s. 16
amended 4. Section 16 of *The Sale of Goods Ordinance* is amended
by striking out the proviso contained in the last three lines of
clause 1 thereof.

C.O. 1898,
c. 40, s. 13
ss. (2)
amended 5. Subsection (2) of section 13 of *The Factors' Ordinance*
is amended by inserting the word "his" after the word "or"
in the second line thereof.

C.O. 1898,
c. 44, s. 1,
amended
Proviso
added 6. Section 1 of *An Ordinance Respecting Hire Receipts
and Conditional Sales of Goods* is amended by adding thereto
the following proviso:

"And provided further that nothing in this section shall apply in cases of conditional sales or bailments of incorporated companies to railway companies if the contract evidencing the conditional sale or bailments or a copy thereof certified under the hand of the president or vice president and secretary of the company and verified by an affidavit of the secretary thereto attached or indorsed thereon and having the corporate seal attached thereto is filed with the registrar of joint stock companies within thirty days from the execution thereof."

(2) Section 8 of the said Ordinance is amended by striking out the word "five" wherever it occurs therein and substituting therefor the word "eight," and by striking out the word "seven" wherever it occurs therein and substituting therefor the word "ten."

7. Section 7 of *The Cemetery Ordinance* is amended by striking out the proviso contained in the last three lines thereof.

(2) Section 35 of the said Ordinance is amended by striking out the word "a" in the first line thereof and substituting therefor the word "any" and by striking out the words "established under this Ordinance" where they occur therein.

8. *The Irrigation District Ordinance* as amended by chapter 28 of the Ordinances of 1901 is hereby repealed.

9. Section 20 of *The Herd Ordinance* is amended by adding the words "and at the nearest post office" after the word "pound" in the fourth line thereof.

10. The Lieutenant Governor in Council shall have power from time to time to repeal by proclamation to be published in *The Saskatchewan Gazette* all or any of sections 11, 12, 13, 14 and 15 of *The Stock Inspection Ordinance 1899* and chapter 41 of the Acts of 1906 and from and after the date of the said proclamation or proclamations the said sections shall stand repealed as to the portion or portions of the province mentioned in the proclamation or proclamations.

11. Section 1 of *An Ordinance Respecting the Confirmation of Sales of Land for Taxes* is amended by adding thereto the following subsection:

"(3) In this Ordinance unless the context otherwise requires the expression 'judge' means a judge of the supreme court."

(2) The Ordinance entitled *An Ordinance Respecting the Confirmation of Sales of Lands for Taxes* is amended by adding thereto the following section:

Publication
of
adjudication

✓ **“6. Whenever under any Act or Ordinance proceedings are taken by any authority to forfeit land for nonpayment of taxes and an adjudication by a judge has been made with respect to such forfeiture the provincial or municipal officer having charge of the matter shall after the expiration of ten months and before the expiration of eleven months from the date of the adjudication cause to be published in *The Saskatchewan Gazette* a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption provided by law will expire.”**

1902, c. 4,
clause (b)
of section
amended

✓ **12. Clause (b) of section 2 of *The Public Health Ordinance* is amended by striking out the word “such” in fourth line thereof.**

S. 26
amended

✓ **(2) Section 26 of the said Ordinance is amended by striking out the word “assaults” in the first line thereof.**

1903, (1st
sess.), c. 16,
s. 5
amended

✓ **13. Section 5 of *The Fire Insurance Policy Ordinance* is amended by inserting the words “Every policy shall be in ink of only one colour but” before the word “If” at the commencement thereof.**

Schedule
amended

✓ **(2) Paragraph 19 of the statutory conditions contained in the schedule to the said Ordinance as amended by section 5 of chapter 20 of the Ordinance of 1903 (second session) is amended by striking out the words “in the Territories” in the thirteenth and fourteenth lines thereof and by inserting the word “such” before the words “post office” in the thirteenth line thereof.**

1903 (1st
sess.), c. 13,
s. 34, ss.
amended

✓ **14. Subsection (1) of section 34 of *The Companies Winding Up Ordinance 1903* is amended by inserting the word “for” after the word “published” in the last line thereof and by adding the words “in *The Saskatchewan Gazette*” at the end of this subsection.**

1903 (2nd
sess.), c. 16
repealed

✓ **15. *The Dental Profession Ordinance* is repealed.**

1903 (2nd
sess.), c. 24,
s. 7
amended

✓ **16. Section 7 of *The Mutual Fire Insurance Ordinance* is amended by striking out all the words after the word “provincial” in the eighth line thereof down to and including the word “select” in the ninth line thereof and by substituting therefor the words “municipal or school bonds or debentures.”**

S. 64
amended

✓ **(2) Section 64 of the said Ordinance is amended by striking out the words “or other securities” in the sixteenth line thereof.**

S. 74
amended

✓ **(3) Section 74 of the said Ordinance is amended by inserting the words “the board of” before the word “directors” in the last line thereof.**

17. Section 3 of *The Executive Council Act* is amended by 1906, c. 3, s. 3 amended
striking out the word "and" where it first appears in the eighth line thereof, and by inserting therein after the word "railways" in the eighth line thereof the words "telegraphs and telephones and municipal commissioner."

18. Section 4 of *The Public Service Act* is amended by 1906, c. 5, s. 4 amended
striking out the words "railway commissioner" and inserting instead thereof the words "railways, telegraphs and telephones" and by striking out all the words contained in the last line thereof and substituting therefor the following:

"(i) The department of the municipal commissioner;

"(j) The offices of the Legislative Assembly."

19. Section 13 of *The Magistrates' Act* is amended by 1906, c. 19, s. 13 amended
repealing the form of oath therein contained and substituting therefor the following form:

"I of in the Province of New form of oath
do swear that I will well and truly
serve our Sovereign Lord the King in the office of a Justice of the Peace and that I will duly and faithfully and according to the best of my ability and knowledge execute the several duties and powers of a Justice of the Peace."

(2) Section 14 of the said Act is amended by striking out the words "clerk of the executive council" in the fourth line thereof and substituting therefor the words "attorney general." S. 14 amended

(3) Section 15 of the said Act is amended by inserting therein after the numerals "XV" in the second line thereof the words and numerals "and part XXII." S. 15 amended Part XXII C.C. applicable

20. Subsection (2) of section 12 of *The Assignments Act* is amended by striking out the words "clerk of the court" therein and substituting therefor the words "registration clerk." 1906, c. 25, s. 12, (2) amended

21. Section 75 of *The Medical Profession Act* is repealed. 1906, c. 28, s. 75 repealed

22. Section 59 of *The Dental Profession Act* is repealed. 1906, c. 29, s. 59 repealed

23. Section 4 of *The Municipal Public Works Act* is amended by inserting the word "or" after the word "thereof" in the tenth line thereof. 1906, c. 34, s. 4 amended

(2) Sections 57 and 58 of the said Act are repealed. Ss. 57 and 58 repealed

(3) The said Act is hereby amended by striking out the words "ratepayer" and "ratepayers" wherever they occur therein and by substituting therefor the words "burgess" and "burgesses" respectively.

S. 59 repealed new s. 59 Powers of cities and towns preserved (4) Section 59 of the said Act is hereby repealed and the following substituted therefor:
 "59. Nothing herein contained shall in any way curtail the powers or authorities of cities and towns as conferred upon them by *The City Act* and *The Town Act* respectively."

1906, c. 38, s. 9, ss. (2) amended (24. Subsection (2) of section 9 of *The Agricultural Societies Act* is amended by inserting the word "financial" before the word "year" in the second line thereof.

S. 13 amended (2) Section 13 of the said Act is amended by inserting the word "financial" before the word "year" in the third line thereof.

S. 35, cl. 1 amended (3) Clause 1 of section 35 of the said Act is amended by inserting the words "for the past year" after the word "membership" in the first line thereof.

1907, c. 4, s. 6, cl. 19 amended (25. Clause 19 of section 6 of *The Interpretation Act* is amended by inserting after the word "Code" in the second line thereof the figures "1892."

S. 6, amended New clause added Cattle (2) Section 6 of the said Act is amended by adding thereto the following as 30a and 30b:

"30a. The expression 'cattle' includes any horse, mule, ass, swine, sheep or goat as well as any neat cattle or animal of the bovine species and by whatever technical or familiar name known shall apply to one animal as well as to many.

Criminal Code "30b. The expression '*The Criminal Code*' means chapter 146 of *The Revised Statutes of Canada 1906* and any amendments thereto now in force or hereafter to be made."

New clause 55 added. (3) Section 6 of the said Act is further amended by adding thereto the following clause:

Reckoning number of days "55. Where a number of days not expressed to be "clear days" is prescribed the same shall be reckoned exclusively of the first day and inclusively of the last.

Clear days, etc. "(2) Where the days are expressed to be "clear days" or where the term "at least" is used both the first day and the last shall be excluded."

1907, c. 4, s. 6, cl. 43 repealed (4) Clause 43 of section 6 of *The Interpretation Act* is hereby repealed.

1907, c. 5, s. 2, cl. 3 repealed New clause 3 Registrar (26. Clause 3 of section 2 of *The Controverted Elections' Act* is repealed and the following substituted therefor:

"3. The expression 'registrar' shall mean the registrar of the supreme court."

Registrar substituted for Local Registrar (2) The said Act is further amended by striking out the words "local registrar" wherever they occur therein except where they occur in section 18 thereof and by inserting in lieu thereof the word "registrar."

(3) Section 5 of the said Act is amended by striking out ^{S. 5} the words "of the Dominion of" in the third line thereof and ^{amended} by inserting in lieu thereof the words "issued by any chartered bank in." ✓

(4) The said Act is amended by striking out the words ^{Electoral} "electoral district" wherever they occur therein and substituting therefor the words "electoral division." ✓ ^{division}

(5) Section 12 of the said Act is amended by striking out ^{S. 12} the figures and words "123, 124 or 125 of *The Territories* ^{amended} *Elections Ordinance*" in the second and third line of paragraph "b" thereof and substituting therefor the figures and words "222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233 or 234 of *The Saskatchewan Election Act*." ✓

(6) Section 21 of the said Act is amended by striking out ^{S. 21} the figures and words "123, 124 or 125 of *The Territories* ^{amended} *Election Ordinance*" in the twentieth and twenty-first lines thereof and substituting therefor the figures and words "222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233 or 234 of *The Saskatchewan Election Act*." ✓

(7) Section 32 of the said Act is amended by striking out ^{S. 32} the words "*The Territories Election Ordinance*" in the fourth ^{amended} line thereof and substituting therefor the words "*The Saskatchewan Election Act*." ✓

27. Section 12 of *The Judicature Act* is amended by ^{1907, c. 8.} ^{S. 12} repealing the form of oath contained therein and substituting ^{amended} therefor the following form:

"I, _____ of _____ ^{New form} do swear that I will ^{of oath} well and truly serve our Sovereign Lord the King in the office of a Judge of the Supreme Court of Saskatchewan, and that I will duly and faithfully and according to the best of my ability and knowledge execute the several duties and powers imposed on me as one of the judges of the said Court." ✓

(2) Clause (c) of subsection (2) of section 55 of *The* ^{1907, c. 8} *Judicature Act* is amended by inserting therein after the ^{S. 55, ss} word "brought" in the second line thereof the words "or ^{(2) cl. (c)} ^{amended} proposed to be brought." ✓

(3) Rule 357 of *The Judicature Ordinance* is amended ^{Rule 357 of} by inserting therein after the word "property" in the first ^{The} line thereof the words "except grain." ^{Judicature} ^{Ordinance} ^{amended} ✓

(4) Section 41 of the said Act is amended by adding ^{S. 41} thereto the following proviso: ^{amended}

"Provided however that where the venue is settled by any agreement in writing or other written instrument sued on the provision therefor shall be void unless distinctly written or printed in red ink on the agreement in writing thereby affected." ✓

1907, c. 9, s.
10 amended

28. Section 10 of *The District Courts Act* is amended by striking out the form of oath contained therein and by substituting therefor the following form:

New form
of oath

"I, _____ of _____ in the Province of _____ do swear that I will well and truly serve our Sovereign Lord the King in the office of Judge of the District Court of the Judicial District of _____ and that I will duly and faithfully and according to the best of my ability and knowledge execute the several duties and powers imposed on me as a judge of the said court."

1907, c. 10, s. 54, repealed
New section added

29. Section 54 of *The Surrogate Court Act* is repealed.
(2) The said Act is amended by adding thereto the following section as 80a:

The judge may order an allowance to be made to executor or administrator out of estate for his trouble

"80a. The judge of any surrogate court may allow to the executor or trustee or administrator acting under a will or letters of administration a fair and reasonable allowance for his care, pains and trouble and his time expended in and about the executorship, trusteeship or administration of the estate and effects vested in him under the will or letters of administration and in administering, disposing of and arranging and settling the same and generally in arranging and settling the affairs of the estate and may make an order or orders from time to time therefor and the same shall be allowed to an executor, trustee or administrator on passing his accounts.

"(2) Nothing in this section shall apply to any case in which the allowance is fixed by the instrument creating the trust."

1907, c. 12, s. 9 amended
New subsection

30. Section 9 of *The Evidence Act* is amended by adding thereto the following subsection:

Publications in Gazette deemed to be authentic

(2) Publications in *The Saskatchewan Gazette* and all copies of the Statutes of the province, the journals of the Legislative Assembly, sessional papers and all other documents, printed or purporting to be printed by the government printer shall be deemed to be authentic and make proof of their contents without any other evidence; and all publications and copies of Statutes and all and singular other the premises so purporting to be printed as aforesaid shall be taken *prima facie* to be authentic copies of the originals thereof respectively and shall in all courts and proceedings be admitted in evidence without proof as the originals might be.

1907, c. 14, s. 8 amended

31. Section 8 of *The Police Magistrates' Act* is amended by repealing the form of oath therein contained and substituting therefor the following form:

New form
of oath

"I, _____ of _____ in the Province of _____ do swear that I will well and truly serve our Sovereign Lord the King in the office of a

police magistrate and that I will duly and faithfully and according to the best of my ability and knowledge execute the several duties and powers of a police magistrate."

(2) Section 11 of the said Act is amended by inserting therein after the numerals "XV" in the second line thereof the words and numerals "and part XXII." S. 11 amended Part XXII C.C. applicable

32. Section 21 of *The Devolution of Estates Act* is repealed. 1907, c. 16, s. 21 repealed

33. Section 33 of *The Legal Profession Act* is amended by striking out the word "or" in the third line thereof and inserting after the word "resignation" in the third line thereof the words "or ceasing to be a resident of Saskatchewan." 1907, c. 19, s. 33 amended

34. Section 49 of *The University Act* is amended by striking out the word "ten" in the third line thereof and substituting therefor the word "five." 1907, c. 24, s. 49 amended

(2) Section 51 of the said Act is amended by striking out the words "of the afternoon of" in the first line thereof and substituting therefor the words "in the forenoon of the day after." s. 51 amended

35. Section 17 of *The Secondary Education Act* is amended by striking out the words "felony or misdemeanour" in the first and second lines thereof and substituting therefor the words "indictable offence." 1907, c. 25, s. 17 amended

(2) Clause (h) of section 27 of the said Act is amended by striking out the word "Canada" in the third line thereof and substituting therefor the word "Saskatchewan." S. 27, cl. (h) amended

36. Section 5 of *The Wolf Bounty Act* is amended by striking out the words "five dollars" in the eighth and ninth lines thereof and substituting therefor the words "such sum as may be fixed by the Lieutenant Governor in Council." 1907, c. 28, s. 5 amended

37. Section 6 of *The Gaols Act* is repealed and the following substituted therefor: 1906, c. 23, s. 6 repealed; new section

"6. Any person arrested or directed to be imprisoned or committed to prison for any crime or offence under any statute or law in force in Saskatchewan shall if no other place is mentioned or provided by law be confined or imprisoned in or committed to the common gaol of the locality in which the arrest or order for imprisonment is made or if there is no common gaol there then in or to that common gaol which is nearest to said locality; and the keeper of any such common gaol shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law or bailed in cases in which bail may by law be taken." Provision as to committal

C.O. 1898 c.
56 amended

38. *The Hotel Keepers' Ordinance* is amended by adding thereto as sections 7 and 8 thereof the following:

Penalties
for false
pretences

“7. Every person who shall obtain food, lodging or other accommodation at any hotel, boarding house or lodging house with intent to defraud the owner or keeper thereof shall upon conviction thereof before any police magistrate or justice of the peace be liable to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding ten days.

Onus of
proof

“8. Proof that lodging, food or other accommodation was obtained by fraud or by false or fictitious show or pretence of baggage or that the party obtaining such food, lodging or other accommodation absconded or left the premises without paying or offering to pay for such food, lodging or other accommodation or without reasonable and true excuse made by him before leaving the proprietor of such hotel, boarding house or lodging house and such boarder for delay in payment.” to remove his baggage shall be *prima facie* evidence of the fraudulent intent mentioned in the preceding section of this Act; but this Act shall not apply to boarders by the week or for a longer period or to cases where there is or has been an agreement between the proprietor of such hotel, boarding house or lodging house and such boarder for delay in payment.”

C.O. c. 61
amended

39. *The Companies Ordinance* is amended by inserting after section 98 thereof the following section:

Power of
reissue
redeemed,
debentures
in certain
case.

98a. Where either before or after the passing of this section a company has redeemed any debentures previously issued the company unless the articles of association of the company or the conditions of issue expressly otherwise provide or unless the debentures have been redeemed in pursuance of any obligation on the company so to do and not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns shall have power and shall be deemed always to have had power to keep the debentures alive for the purpose of reissue and where the company has purported to exercise such a power the company shall have power and shall be deemed always to have had power to reissue the debentures either by reissuing the same debentures or by issuing other debentures in their place and upon such a reissue the person entitled to the debentures shall be deemed always to have had the same rights and priorities as if the debentures had not previously been issued.

“(2) Where with the object of keeping debentures alive for the purpose of reissue they have either before or after the passing of this section been transferred to a nominee of the company a transfer from that nominee shall be deemed to be a reissue for the purpose of this section.

“(3) Where a person has either before or after the passing of this section deposited any of the said debentures to secure advances from time to time on current account or otherwise

the deposit shall not be deemed to have been redeemed by reason only of the account of the company ceasing to be in debit whilst the debentures remain so deposited.

“(4) Nothing in this section shall prejudice:

“(a) The operation of any judgment or order of a court of competent jurisdiction pronounced or made before the coming into force of this section as between the parties to the proceedings in which the judgment was pronounced or the order made; and any appeal from any such judgment or order shall be decided as if this section had not been passed; or

“(b) Any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished reserved to a company by its debentures or its securities for the same.”

40. Clause 7 of section 2 of the Act of the present session of the Legislative Assembly intituled “*The Town Act*” is hereby amended by inserting therein after the word “business” in the sixth line thereof the words “during the year next preceding that in which the assessment is made.” “The Town Act,” s. 2, cl. 7, amended ✓

(2) Section 9 of the said Act is hereby repealed and the following substituted therefor: S. 9 repealed new section 9

“9. The Lieutenant Governor in Council shall have power by Order in Council to repeal any or all of the provisions of any or all of the following Ordinances or Acts: Lieutenant Governor in Council may repeal certain Ordinances or Acts by proclamation ✓

“(a) *The Municipal Ordinance* being chapter 70 of *The Consolidated Ordinances 1898*;

“(b) Chapter 15 of the Ordinances of 1899;

“(c) Chapter 23 of the Ordinances of 1900;

“(d) *The Municipal Amendment Ordinance* being chapter 23 of the Ordinances of 1901;

“(e) Chapter 9 of the Ordinances of 1902;

“(f) Chapter 18 of the Ordinances of 1903 (first session);

“(g) Chapter 19 of the Ordinances of 1903 (first session);

“(h) Chapter 22 of the Ordinances of 1902 (second session);

“(i) Chapter 6 of the Ordinances of 1904;

“(j) Chapter 33 of the Acts of 1906.”

(3) Section 301 of the said Act is hereby amended by adding thereto the following subsection: S. 301, amended subsection added

“(2) Any person who is assessed and taxed in respect of land and buildings thereon and income derived from wages or Assessment of land, buildings and income

salary shall be liable to pay in addition to the amount of his tax on land and buildings thereon only the amount, if any, by which his taxes on such income exceeds his taxes on land and buildings thereon."

The Liquor
License Act
amended
section
added

41. The Act passed at the present session of the Legislative Assembly being an Act intituled "*An Act respecting the Sale of Intoxicating Liquor and the Issue of Licenses therefor*" is hereby amended by adding thereto the following section:

Commence-
ment of Act

"144. This Act shall come into force on the first day of July, 1908, and on and after the said first day of July *The Liquor License Ordinance* and all amendments thereto shall stand repealed."

ACTS OF A LOCAL OR PRIVATE NATURE

1908

CHAPTER 39.

An Act respecting the City of Regina.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. On, from and after the coming into force of this Act the inhabitants of the locality or lands described in subsection (2) of this section and their successors shall under the name of the city of Regina be and they are hereby declared to be a municipal corporation and a city municipality within the meaning of *The City Act*. Incorporation of the city of Regina

(2) The locality of lands referred to in subsection (1) of this section consists of the following, that is to say: Section 19 and the south half of section 30 all in township 17 and range 19 west of the second meridian in the province of Saskatchewan and section 24 and the south half of section 25 all in township 17 and range 20 west of the second meridian in the province of Saskatchewan. Area of city

2. Chapter 46 of the Acts of 1906, namely *The Regina Charter* is hereby repealed. Repeal of the Regina Charter

Provided however that the repeal of the said chapter shall not be construed as effecting a dissolution of the corporation of the city of Regina as constituted under said chapter; but the said corporation shall upon such repeal taking effect be deemed not to have been dissolved; and the provisions of this Act and *The City Act* shall upon such repeal taking effect be deemed as provisions substituted for the said chapter so repealed; and

Provided further that the city of Regina shall not by reason of anything in this Act or *The City Act* contained or by reason of or by virtue of any Statute Ordinance, bylaw, any duty, obligation, liability or indebtedness heretofore or now owing, existing, due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, bylaw, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force and notwithstanding the repeal of the said chapter such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said chapter had not been repealed; and

Provided further that the city of Regina (as hereby constituted) shall be entitled to and it is hereby invested with and declared to have all the rights and privileges, real and personal property of every kind and description which the city of Regina (as constituted under said chapter 46) immediately prior to the coming into force of this Act was entitled to and invested with and with as full power and authority in respect of the same as the city of Regina (as constituted under said chapter 46) had or possessed immediately prior to the coming into force of this Act.

Council,
bylaws
etc.,
continued

3. Until a new council is elected under *The City Act* the head and members of the council of the city of Regina as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the head and members of the council of the corporation hereby created and all officers of the said city shall remain in office until their successors are appointed and until altered under the authority of *The City Act* all bylaws and all contracts, property, assets, rights and liabilities of the city of Regina as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the city of Regina as hereby constituted.

Coming into
force of
Act

4. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

1908

CHAPTER 40.

An Act respecting the City of Moose Jaw.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. On, from and after the coming into force of this Act the inhabitants of the locality or lands described in subsection (2) of this section and their successors shall under the name of the city of Moose Jaw be and they are hereby declared to be a municipal corporation and a city municipality within the meaning of *The City Act*.

(2) The locality or lands referred to in subsection (1) of this section consist of the following lands situated in the province of Saskatchewan, namely:

- (a) Sections 32 and 33 in township 16 in range 26 west of the second meridian, and the south-west quarter of section 4 and the south-east quarter of section 5 in township 17 in range 26 west of the second meridian;
- (b) Commencing at the north-east corner of section 29 in township 16 range 26 west of the second meridian: thence southerly along the eastern boundary of the said section a distance of forty rods; thence westerly parallel to the northern boundary of the said section a distance of one hundred and sixty rods; thence northerly parallel to the eastern boundary of the said section to a point in the northern boundary thereof; thence easterly along the northern boundary of the said section to the place of beginning and containing by admeasurement forty acres of land more or less;
- (c) Commencing at the north-west corner of section 28 in township 16 range 26 west of the second meridian; thence southerly along the western boundary of the said section nine hundred and forty-three feet five inches; thence easterly parallel to the northern boundary of the said section nine hundred and forty-three feet five inches; thence northerly parallel to the said western boundary of said section nine hundred and forty-three feet five

inches; thence westerly along the northern boundary of said section nine hundred and forty-three feet five inches to the place of beginning and containing by admeasurement twenty acres of land more or less;

- (d) All that portion of section 28 in township 16 and range 26 west of the second meridian, bounded on the south and east by the Moosejaw creek and on the north by the southern boundary of the city of Moose Jaw as it existed immediately prior to the eighth day of October, A.D. 1904, and on the west by the line of Twelfth avenue of the said city produced southerly to meet Moosejaw creek;
- (e) The east half of section 31 in township 16, the south-east quarter of section 6 and the south-west quarter of section 5 in township 17 all in range 26 west of the second meridian:

Proviso

Provided however that no assessment shall be made nor any rate levied by said corporation upon the lands described in clauses (b), (c) and (d) of this section for the purpose of paying any indebtedness of the city of Moose Jaw incurred by said corporation prior to the eighth day of October, A.D. 1904, nor shall the lands mentioned in said clauses (b), (c) and (d) or any portion thereof be liable for the purpose of securing repayment of any debenture indebtedness of the city of Moose Jaw incurred prior to the first day of January, A.D. 1904.

2. Chapter 34 of the Ordinances of 1903 (second session), chapter 15 of the Ordinances of 1904 and chapter 49 of the Acts of 1906 are hereby repealed:

Provided however that the repeal of the said chapters shall not be construed as effecting a dissolution of the corporation of the city of Moose Jaw as constituted under the said chapters; but the said corporation shall upon such repeal taking effect be deemed not to have been dissolved; and the provisions of this Act and *The City Act* shall upon such repeal taking effect be deemed as provisions substituted for the said chapters so repealed: and

Provided further that the city of Moose Jaw shall not by reason of anything in this Act or *The City Act* contained or by reason of the repeal of the said chapters be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing, due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, bylaw, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force; and notwithstanding the repeal of the said chapters such duty, obligation,

liability or indebtedness shall continue with the same force and effect as if the said chapters had not been repealed; and

Provided further that the city of Moose Jaw (as hereby constituted) shall be entitled to and it is hereby invested with and declared to have all the rights and privileges, real and personal property of every kind and description which the city of Moose Jaw (as constituted under said chapter) immediately prior to the coming into force of this Act was entitled to and invested with and with as full power and authority in respect of the same as the city of Moose Jaw (as constituted under said chapters) had or possessed immediately prior to the coming into force of this Act.

3. Until a new council is elected under *The City Act* the head and members of the council of the city of Moose Jaw as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the head and members of the council of the incorporation hereby created and all officers of the said city shall remain in office until their successors are appointed and until altered under the authority of *The City Act* all bylaws and all contracts, property, assets, rights and liabilities of the city of Moose Jaw as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the city of Moose Jaw as hereby constituted.

Council,
bylaws,
etc.,
continued

4. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

Coming into
force of Act

1908

CHAPTER 41.

An Act respecting the City of Saskatoon.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation of the city of Saskatoon

1. On, from and after the coming into force of this Act the inhabitants of the locality or lands described in subsection (2) of this section and their successors shall under the name of the city of Saskatoon be and they are hereby declared to be a municipal corporation and a city municipality within the meaning of *The City Act*.

Area of city.

(2) The locality or lands referred to in subsection (1) of this section consists of the following, that is to say: The north halves of sections 20 and 21 and the whole of sections 28, 29, 32 and 33 and that portion of section 34 and that portion of the south-west quarter of section 20 both lying west of the South Saskatchewan river all in township 36 and range 5 west of the third meridian in the province of Saskatchewan.

Repeal of the Saskatoon charter

2. Chapter 47 of the Acts of 1906 namely, *The Saskatoon Charter* is hereby repealed:

Provided however that the repeal of the said chapter shall not be construed as effecting a dissolution of the corporation of the city of Saskatoon as constituted under said chapter; but the said corporation shall upon such repeal taking effect be deemed not to have been dissolved; and the provisions of this Act and *The City Act* shall upon such repeal taking effect be deemed as provisions substituted for the said chapter so repealed; and

Provided further that the city of Saskatoon shall not by reason of anything in this Act or *The City Act* contained or by reason of the repeal of the said chapter be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing, due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, bylaw, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force; and notwithstanding the repeal of the said chapter such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said chapter had not been repealed; and

Provided further that the city of Saskatoon (as hereby constituted) shall be entitled to and it is hereby invested with and declared to have all the rights and privileges, real and personal property of every kind and description which the city of Saskatoon (as constituted under said chapter 47) immediately prior to the coming into force of this Act was entitled to and invested with and with as full power and authority in respect of the same as the city of Saskatoon (as constituted under said chapter 47) had or possessed immediately prior to the coming into force of this Act.

3. Until a new council is elected under *The City Act* the head and members of the council of the city of Saskatoon as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the head and members of the council of the corporation hereby created and all officers of the said city shall remain in office until their successors are appointed and until altered under the authority of *The City Act* all bylaws and all contracts, property, assets, rights and liabilities of the city of Saskatoon as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the city of Saskatoon as hereby constituted.

4. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the Act shall on and after such day so declared become and be in force.

1908

CHAPTER 42.

An Act respecting the City of Prince Albert.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Incorporation of the
city of
Prince
Albert

1. On, from and after the coming into force of this Act the inhabitants of the locality or lands described in subsection (2) of this section and their successors shall under the name of the city of Prince Albert be and they are hereby declared to be a municipal corporation and a city municipality within the meaning of *The City Act*.

Area of
city

(2) The locality or lands referred to in subsection (1) of this section consist of the following lands situated in the province of Saskatchewan, namely: Parts of lots numbers 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 and of that lot known and described as the reserve of The Governor and Company of Adventurers of England trading into Hudson's Bay or "H. B. Reserve" all said lots being in the special survey of Prince Albert settlement as shown on a plan of Prince Albert settlement dated the fifteenth day of February, 1884, signed by Edward Deville for the surveyor general and of record in the department of the Interior, said lands being abutted and bounded as follows, that is to say: Commencing at a point where the western boundary of line of said lot 68 meets the water's edge on the southern shore of the North Saskatchewan river; thence south along said western boundary line eighty-six chains to a point; thence due east astronomically across lots 68 to 78 aforesaid inclusive and eight chains across lot 79 aforesaid to a point; thence due astronomically north forty chains thence due east astronomically to the western boundary line of Colville street in said reserve as per plan of subdivision of said reserve registered in the office of the registrar of land titles in and for the East Saskatchewan Land Registration district in said province; thence along said western boundary line of Colville street in a straight line produced to the water's edge on said southerly shore of the North Saskatchewan river; thence westerly against the current along the water's edge on the southerly shore of the said North Saskatchewan river to the place of beginning and containing by admeasurement one thousand eight hundred and thirty acres of land.

2. Chapter 20 of the Ordinances of 1904 is hereby repealed: Repeal of chapter 20 of Ordinances of 1904

Provided however that the repeal of the said chapter shall not be construed as effecting a dissolution of the corporation of the city of Prince Albert as constituted under the said chapter; but the said corporation shall upon such repeal taking effect be deemed not to have been dissolved; and the provisions of this Act and *The City Act* shall upon such repeal taking effect be deemed as provisions substituted for the said chapter so repealed; and

Provided further that the city of Prince Albert shall not by reason of anything in this Act or *The City Act* contained or by reason of the repeal of the said chapter be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing, due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, bylaw, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force; and notwithstanding the repeal of the said chapter such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said chapter had not been repealed; and

Provided further that the city of Prince Albert (as hereby constituted) shall be entitled to and it is hereby invested with and declared to have all the rights and privileges, real and personal property of every kind and description which the city of Prince Albert (as constituted under said chapter) immediately prior to the coming into force of this Act was entitled to and invested with and with as full power and authority in respect of the same as the city of Prince Albert (as constituted under said chapter) had or possessed immediately prior to the coming into force of this Act.

3. Until a new council is elected under *The City Act* the Council, bylaws etc., continued
 head and members of the council of the city of Prince Albert as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the head and members of the council of the corporation hereby created and all officers of the said city shall remain in office until their successors are appointed and until altered under the authority of *The City Act* all bylaws and all contracts, property, assets, rights and liabilities of the city of Prince Albert as existing at the time of the coming into force of this Act shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the city of Prince Albert as hereby constituted.

4. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day Coming into force of Act
 on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

1908

CHAPTER 43.

An Act to ratify certain Debentures of
the City of Moose Jaw.

[Assented to June 12, 1908.]

Preamble

WHEREAS the city of Moose Jaw has by its petition represented that bylaws numbers 304, 313, 308 and 285 of the said corporation have been passed by the council of the said corporation; and

Whereas bylaws numbers 304 and 313 aforesaid were duly submitted to a vote of the ratepayers of the city qualified to vote thereon and the required majority of ratepayers voting thereon assented thereto; and

Whereas doubt exists as to the validity of certain of the said bylaws and of the debentures issued or to be issued thereunder and it is expedient to validate and confirm the said bylaws; and

Whereas the bylaws referred to are as follows: Bylaw number 304 passed on the thirtieth day of July, 1907, authorising the corporation to expend the sum of one hundred and twenty-five thousand (\$125,000) dollars for the purpose of extending the present sewer and waterworks system and the constructing and laying down of service pipes and sewers up to the outer line of the streets throughout the city and authorising the issue of debentures of the said corporation for the said amount to be expended on such extensions and constructions; bylaw number 313 passed on the fourteenth day of October, 1907, to provide for the expenditure of ninety thousand (\$90,000) dollars for the extension of the system of electric lights already constructed in the said city and to authorise the issue of debentures by the corporation for the purposes of raising said sum so to be expended; bylaw number 308 passed on the twenty-eighth day of August, 1907, to provide for the borrowing by the issue of debentures the sum of seventeen thousand (\$17,000) dollars to provide for payment of that portion of the cost of construction of certain granolithic sidewalks in the said city payable by the property owners on the special frontage assessment system; bylaw number 285 passed on the fourteenth day of November, 1906, to provide for borrowing by the issue of debentures the sum of twenty-six thousand eight hundred and fifty-six dollars and sixty-seven cents (\$26,856.67) to pay for that portion of the cost of

construction of certain granolithic sidewalks in the said city payable by the property owners on the special frontage assessment system; and

Whereas the said municipal corporation has by its petition prayed that an Act may be passed for the purposes aforesaid; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Bylaws numbers 304, 313, 308 and 285 of the corporation of the city of Moose Jaw as set forth respectively in schedules A, B, C and D to this Act are and each of said bylaws is hereby declared to be valid and binding and to have been valid and binding on the said corporation and upon the ratepayers thereof as and from the date of the final passing of each of said bylaws anything in any Act or law to the contrary notwithstanding. Bylaws validated

2. The debentures issued or to be issued under each of said bylaws shall be a charge on the assets, credit and security of the corporation at large. Debentures to be a charge on credit of corporation at large

3. Any debentures issued pursuant to bylaw number 285 shall be deemed to have been properly issued and dated on the first day of December, 1906, and all debentures hereafter issued under such bylaw shall be dated the first day of December, 1906, and shall be valid and binding as of that date. Debentures issued validated

4. Notwithstanding anything in the said bylaw number 304 contained it is hereby declared that the debentures to be issued thereunder shall be issued so that the principal sum maturing in each year of the said fifty years shall be represented by one or more debentures and each such debenture shall have attached thereto coupons representing the yearly interest payable thereon up to its maturity and it shall be sufficient if the coupons to the debentures issued under this or any one of the said four bylaws bear the engraved or lithographed signature of the secretary treasurer; and notwithstanding anything in said bylaw number 313 contained it is hereby declared that the debentures to be issued thereunder shall be so issued that the amount payable for principal and interest in each year of the said term of fifty years shall be equal and there shall be one or more debentures representing the principal sum maturing in each year and each debenture shall have attached thereto coupons representing the yearly interest payable thereon up to its maturity. Issue of debentures

Annual levy
to meet
payment

5. There shall be raised annually by the city the sum of \$2,201.58 to meet the yearly sum payable under bylaw number 308.

Validity of
bylaws and
debentures
to be un-
questioned

6. The validity or legality of the said bylaws and each of them and of any debentures together with attached coupons issued or to be issued in pursuance thereof or any of them executed as required by such bylaws or executed in the manner permitted by this Act shall not hereafter be questioned in any action, suit or other proceeding in any court in this province.

SCHEDULE.

A

BYLAW No 304.

A bylaw to authorise the corporation of the city of Moose Jaw to expend one hundred and twenty-five thousand dollars (\$125,000) for the purpose of extending the present sewer and water system and constructing and laying down service pipes and sewers up to the outer line of the street throughout the city; and to authorise the issue of debentures of the said corporation to the said amount to be expended on such extensions and constructions.

Whereas it is desirable and expedient that the corporation of the city of Moose Jaw extend the present sewer and water system and construct and lay down service pipes and sewers up to the outer line of the street throughout the city; and that the sum of one hundred and twenty-five thousand dollars (\$125,000) be expended for such purpose and that the said amount be raised on the credit and security of the corporation at large;

And whereas in order thereto it will be necessary to issue debentures for the corporation of the city of Moose Jaw for the sum of one hundred and twenty-five thousand dollars (\$125,000) as hereinafter provided, which is the amount of the debt to be created by this bylaw; the proceeds of the said debentures to be applied to this purpose and to no other;

And whereas the amount of the whole ratable property of the said city according to the last revised assessment roll is five millions four hundred and forty-two thousand and five hundred and sixty dollars (\$5,442,560);

And whereas the total amount of existing debt of the corporation outside the amount due for the current expenses of the year is the sum of three hundred and seventy-nine thousand and twenty-six dollars and three cents (\$379,026.03);

And whereas said indebtedness incurred under this bylaw is to be spread over a period of fifty years;

And whereas it will require the total sum of six thousand eight hundred and forty-six dollars and ninety-two cents (\$6,846.92) to be raised annually for a period of fifty years the currency of the debentures to be issued under and by virtue of this bylaw, to pay the debt created by this bylaw, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be nearly as possible equal to the amount so payable in each of the other forty-nine years of the said period;

And whereas this bylaw shall take effect on the first day of October, A.D. 1907;

Therefore the council of the city of Moose Jaw enacts as follows:

1. That the sum of one hundred and twenty-five thousand dollars (\$125,000) shall be expended by the corporation of the city of Moose Jaw for the purpose of extending the present sewer and water system and constructing and laying down service pipes and sewers up to the outer line of the street in the said city; and that for the purpose of raising the said sum there shall be issued debentures of the corporation of the city of Moose Jaw to the amount of one hundred and twenty-five thousand dollars (\$125,000) which shall bear date the first day of October, A.D. 1907, and bear interest at the rate of five per centum per annum computed from that date and the debentures representing each instalment of the said debt shall be payable at the Canadian Bank of Commerce at the city of Moose Jaw in equal amounts in each of the fifty years next succeeding the said date, such amount being made up of the aggregate sum due each year on account of principal and interest.

2. That each of the said debentures shall be signed by the mayor of the said city and countersigned by the secretary treasurer thereof and the seal of the said corporation duly affixed.

3. For the purpose of paying the principal and interest of the said debentures there shall be raised in each year during the currency of the said debentures the sum of six thousand and eight hundred and forty-six dollars and ninety-two cents (\$6,846.92) by special rate sufficient therefor on all ratable property in the said city.

4. The said indebtedness is contracted on the credit and security of the corporation at large.

5. The proceeds of the debentures are to be applied to the extension of the present sewer and water system and the constructing and laying down of service pipes and sewers up to the outer line of the street.

6. This bylaw shall take effect on the first day of October, A.D. 1907.

7. The votes of the electors of the said city of Moose Jaw shall be taken on this bylaw at the city clerk's office in the city hall in the city of Moose Jaw on Wednesday, the tenth day of July, A.D. 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by John D. Simpson, returning officer.

8. On the eleventh day of July, A.D. 1907, the said John D. Simpson shall attend at the office of the city clerk at nine o'clock in the forenoon to sum up the number for and against the bylaw.

Dated at the city of Moosejaw this 30th day of July, A.D. 1907.

(Sgd.) J. H. BUNNELL, [SEAL]
Mayor.

(Sgd.) JOHN D. SIMPSON,
Secretary Treasurer.

I hereby declare that the foregoing is a true copy of the proposed bylaw which will be taken into consideration by the council after being voted on by the electors and that the same was first published on the nineteenth day of June, 1907, and will be voted on Wednesday, the tenth day of July, 1907, in the city hall from the hours of nine o'clock in the forenoon to five of the clock in the afternoon.

JOHN D. SIMPSON,
Secretary Treasurer.

A true copy: (Sgd.) JOHN D. SIMPSON.

B

BYLAW No. 313.

A bylaw to provide for the expenditure of \$90,000 for the extension of the system of electric lights already constructed in the city of Moose Jaw and to authorise the issue of debentures of the corporation of the city of Moose Jaw to the amount of \$90,000 for the purpose of raising the said sum.

Whereas it is desirable that the sum of \$90,000 should be expended by the corporation of the city of Moose Jaw in extending the system of electric lights already constructed in the city of Moose Jaw, and that the said sum should be raised on the credit and security of the corporation at large;

And whereas in order thereto it shall be necessary to issue debentures of the corporation of the said city of Moose Jaw for the said sum of \$90,000 as hereinafter provided which is the amount of the debt intended to be created by this bylaw. The proceeds of such debentures to be payable for the said purposes and for no other;

And whereas the whole ratable property according to the last revised assessment roll amounts to \$5,230,660;

And whereas the total amount of the existing debt of the corporation outside of the current expenses for the year is the sum of \$432,401.62;

And whereas the indebtedness incurred under this bylaw is to be spread over a period of fifty years;

And whereas it will require the total sum of \$4,929.93 to be raised annually for a period of fifty years the currency of the debentures to be issued under and by virtue of this bylaw to pay the debt created by this bylaw, said yearly sums being of such respective amounts that the aggregate amounts payable each year for principal and interest in respect of the said debt shall be equal to the amount so payable in each of the other years of the said period.

Therefore the corporation of the city of Moose Jaw duly assembled enacts as follows:

1. The sum of \$90,000 shall be expended by the corporation of the city of Moose Jaw in the extension of the system of electric lights already constructed in the said city and for the purpose of raising the said sum, debentures of the said corporation to the amount of \$90,000 as aforesaid shall be issued on the fifteenth day of November, A.D. 1907, each of which debentures shall be dated on the date of the issue thereof and shall be payable within fifty years thereof at the Canadian Bank of Commerce in the city of Moose Jaw.

2. The said debentures shall bear interest at a rate not exceeding five per centum per annum.

3. Each of the said debentures shall be signed by the mayor of the said city and shall be countersigned by the secretary treasurer thereof and the clerk of the said city shall attach thereto the corporate seal of the corporation.

4. During the currency of the said debentures there shall be raised annually by special rate on all the ratable property of the city of Moose Jaw the sum of \$4,929.93 for the purpose of paying the amount due in each of the said years with principal and interest in respect to the said debt.

5. That the amount of debt created by this bylaw is raised on the credit and security of the corporation at large and the proceeds of the said debentures are to be applied to the purpose as aforesaid and to no other.

6. This bylaw shall take effect on the fifteenth day of November, A.D. 1907.

7. Votes of the electors of the said corporation of the city of Moose Jaw shall be taken at the city clerk's office in the city hall in the said city on the seventh day of October, A.D. 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by John D. Simpson, returning officer.

8. On the eighth day of October, A.D. 1907, the said John D. Simpson shall attend at the office of the city clerk at nine o'clock in the forenoon to sum up the number for and against this bylaw.

Dated at the city of Moose Jaw this fourteenth day of October, A.D. 1907.

(Sgd.) J. H. BUNNELL,
Mayor. [SEAL]

(Sgd.) JOHN D. SIMPSON,
Secretary Treasurer.

I hereby declare that the foregoing is a true copy of a proposed bylaw which will be taken into consideration by the council after being voted on by the electors, published on the thirteenth day of September and to be voted on on Monday the seventh day of October, 1907, in the city hall from the hour of nine in the morning to five of the clock in the afternoon.

JOHN D. SIMPSON,
Secretary-Treasurer.

A true copy: (Sgd.) JOHN D. SIMPSON.

C

BYLAW No. 308.

A bylaw to provide for the borrowing by issue of debentures that portion of the costs of construction of certain granolithic sidewalks in the city of Moose Jaw payable by the property owners on the special frontage assessment system.

Whereas the council of the city of Moose Jaw has by public notice declared its intention of undertaking, constructing and completing on the special frontage assessment system of granolithic sidewalks on the following limits or sides of streets set out and with their respective widths described as follows:

(a) From the SE. corner of lot 10 block 79 in a northerly direction along Langdon Crescent to the NE. corner of lot 17 block 46—width 6 feet;

(b) On the north side of Athabasca street east from the SE. corner of lot 5 east to the SE. corner of lot 12, all in block 27—width 6 feet;

(c) On the south side of High street west from the NE. corner of lot 16 west of the NW. corner of lot 1 in block 110—width 10 feet;

(d) On the north side of Fairford street west from the SE. corner of lot 25 in block 78 west of the SW. corner of lot 40 block 77—width 6 feet.

(e) On the south side of Ominica street west from the NW. corner of lot 16 block 78 west to the NW. corner of lot 1 block 75—width 6 feet;

(f) On the north side of Athabasca street west from the SE. corner of lot 11 west to the SW. corner of lot 20 block 29;

(g) On the south side of Athabasca street west from the NE. corner of lot 8 in block 45 west of the NW. corner of lot 1 block 44—width 6 feet;

(h) On the north side of Stadacona street west from the SE. corner of lot 12 west to the SW. corner of lot 19 block 45—width 6 feet;

(i) On the north side of Stadacona street west from the SE. corner of lot 11 west to the SW. corner of lot 20 block 41—width 5 feet.

(j) On the south side of Stadacona street west from the NE. corner of lot 10 west to the NW. corner of lot 1 in block 64—width 5 feet;

And whereas there has been no petition whatever of the various owners of the lands to be affected to the council against the same at any time since the publication of the public notice of such proposed undertaking, construction and completion as aforesaid;

And whereas the total assessed value of the land abutting on the said sides of the said respective streets is as set down in the third column of the schedule hereto opposite the said portion of the said respective streets;

And whereas the part of the costs of the same respectively chargeable against the lands abutting on the said sides of the said respective streets is as set down in the fifth column of the said schedule opposite the said respective portions of streets;

And whereas the number of feet frontage of lands abutting in the case of each of such portions of streets is as set down in the sixth column of the said schedule opposite each such portion and the cost per foot frontage chargeable the lands abutting in respect of each of such portions is as set down in the seventh column of the said schedule opposite such portions respectively and the annual rate per foot frontage to be levied in each year for a period of ten years on the lands abutting on the said respective streets is as set down in the eighth column of the said schedule, and the schedule is in all respects the same as ascertained and determined by said report and by the court of revision;

And whereas it will require the total sum of \$2,201.57 to be raised annually for a period of ten years, the currency of the debentures to be raised under and by virtue of this bylaw to pay the debt created by this bylaw said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be equal to the amount so payable in each of the other years of said period;

And whereas the said moneys to be realised on the debentures are to be used for the purposes aforesaid and for that purpose only;

And whereas the said debt is contracted on the credit and security of the corporation at large to be collected however only by way of special frontage assessment system;

Therefore the council of the city of Moose Jaw enacts as follows:

1. That for the purpose of raising the sum of seventeen thousand dollars (\$17,000) the portion of the cost of the undertaking, construction and completion of the said sidewalks on the sides of the respective streets hereinbefore and in the said schedule mentioned, there shall be issued debentures of the city of Moose Jaw to the amount of seventeen thousand dollars (\$17,000) which shall bear date the first day of October, 1907, and shall bear interest at the rate of five per centum per annum from the first day of October, 1907, and the debentures shall be payable at the Canadian Bank of Commerce at the city of Moose Jaw in ten annual instalments from their date, the aggregate amount payable in each year for principal and interest in respect to the said debt being equal to the amount so payable in each of the other years of said period.

2. That each of the said debentures shall be signed by the mayor of the said city and countersigned by the secretary treasurer thereof and the seal of the said corporation duly affixed and the coupons representing the annual instalments of principal and interest if the debentures are so issued shall be signed by the secretary treasurer and the signature of the mayor may be printed or lithographed thereon.

3. For the purpose of paying the said debentures and interest there shall be raised in each year during the currency of the said debentures by special frontage assessment system the rate per foot frontage mentioned in the eighth column of the said schedule upon the lands abutting on the sides of the said respective streets as mentioned in the said schedule.

4. The money realised from the said debentures shall be used for the purposes aforesaid and for such purpose only.

5. The debt created by the issue of the said debentures is contracted on the credit and security of the corporation at large to be collected therefor annually by way of special frontage assessment system.

This bylaw shall take effect on the twenty-eighth day of August, A.D. 1907.

(Sgd.) J. H. BUNNELL, [SEAL]
Mayor.

(Sgd.) JOHN D. SIMPSON,
Secretary Treasurer.

Certified to be a true copy: JOHN D. SIMPSON.

1 Street on which sidewalk laid and side.	2 Portion of such street lying between	3 Value of real property	4 Width sidewalk in feet	5 Cost chargeable to abutting lands	6 No. ft. frontage of abutting lands	7 Cost per ft. frontage in	8 Annual rate per ft. frontage in cents
(a) West side of Langdon Crea.	From its intersection with the north side of Fairford St. to its intersec- tion with the south side of Cor- dova St.	\$13,500.00	6	\$1,019.55	472' 9"	2.16	27.97
(b) North side of Atha- basca St. E.	From its intersection with the east side of Main St. to its intersection with west side of Tenth Ave....	10,000.00	6	1,134.00	525'	2.16	27.97
(c) South side of High St. west.	From its intersection with the west side of Main St. to its intersection with east side of Ninth Ave....	59,000.00	10	1,701.00	525'	3.24	41.96
(d) North side of Fairford St. W.	From its intersection with the west side of Main St. to its intersection with east side of Eighth Ave....	69,450.00	6	2,214.00	1,025'	2.16	27.97
(e) South side of Ominica St. W.	From its intersection with the west side of Main St. to its intersection with the east side of Sixth Ave...	39,225.00	6	4,374.00	2,025'	2.16	27.97
(f) North side of Athabasca St. W.	From its intersection with the west side of Ninth Ave. to its intersec- tion with the east side of Eighth Ave.	7,275.00	6	1,080.00	500'	2.16	27.97

1 Street on which sidewalk laid and side.	2 Portion of such street lying between	3 Value of real property	4 Width sidewalk in feet	5 Cost chargeable to abutting lands	6 No. ft. frontage of abutting lands	7 Cost per ft. frontage in	8 Annual rate per ft. frontage in cents
(g) South side of Athabasca St. W.	From its intersection with the west side of Main St. to its intersection with the east side of Eighth Ave.	16,125.00	6	2,214.00	1,025'	2.16	27.97
(h) North side of Stadacona St. W.	From its intersection with the west side of Main St. to its intersection with the east side of Ninth Ave....	10,100.00	6	1,134.00	525'	2.16	27.97
(i) North side of Stadacona St. W.	From its intersection with the west side of Sixth Ave. to its intersec- tion with the east side of Fifth Ave.	6,670.00	5	945.00	500'	1.89	20.98
(j) South side of Stadacona St. W.	From its intersection with the west side of Seventh Ave. to its inter- section with the east side of Sixth Ave.	8,000.00	5	954.00	500'	1.89	20.98

D

BYLAW No. 285.

A bylaw to provide for borrowing by issue of debentures that portion of the cost of construction of certain granolithic sidewalks in the city of Moose Jaw, payable by the property owners on the special frontage assessment system.

Whereas the council of the city of Moose Jaw are since the first day of January, 1906, in receipt of petitions praying for the undertaking, construction and completion on the special frontage assessment system of granolithic sidewalks on the following limits or sides of streets hereinafter set out, namely:

- (a) The north limit or side of River street from its intersection with the west side of Seventh avenue to its intersection with the east side of Sixth avenue;
- (b) The south limit or side of River street from its intersection with the west side of Main street to its intersection with the east side of Ninth avenue;
- (c) The north limit or side of River street from its intersection with the west side of Eighth avenue to its intersection with the east side of Seventh avenue;
- (d) The south limit or side of Stadacona street from its intersection with the west side of Main street to its intersection with the east side of Seventh avenue;
- (e) The north limit or side of Stadacona street from its intersection with the west side of Eighth avenue to its intersection with the east side of Seventh avenue;
- (f) The north limit or side of High street from its intersection with the west side of Seventh avenue to its intersection with the east side of Fifth avenue;
- (g) The south limit or side of High street from its intersection with the east side of Main street to its intersection with the west side of Tenth avenue;
- (h) The north limit or side of Athabasca street from its intersection with the east side of Tenth avenue to its intersection with the west side of Eleventh avenue;
- (i) From the west side of the lane in the rear of lot number sixteen (16) block number ninety-three (93) to the east side of Sixth avenue;

- (j) The east limit or side of Main street between the north side of Fairford street and the south side of Cadoga street;
- (k) The east limit or side of Main street from its intersection with the north side of Cariboo street to its intersection with the south side of Hall street;
- (l) The west limit or side of Main street from its intersection with the north side of Fairford street to its intersection with the south side of Oxford street;

respectively signed by at least two-thirds in number of the persons registered or assessed as owners of the respective lands abutting on the said limits or sides of the streets as aforesaid and representing at least one half in value of such lands, excluding improvements thereon as the same are valued according to the last revised assessment roll;

And whereas the total assessment value of the lands abutting on the said sides of the said respective streets is as set down in the third column of the schedule hereto opposite the said portions of the said respective streets;

And whereas the said sidewalks have been constructed and are of the respective widths mentioned in the fourth column of the said schedule and the part of the cost of the same respectively chargeable against the lands abutting on the said sides of the said respective streets is as set down in the fifth column of the said schedule opposite the said respective portions of streets;

And whereas the number of feet frontage of lands abutting in the case of each of such portions of streets is as set down in the sixth column of the said schedule opposite each such portion, and the cost per foot frontage chargeable against the lands abutting in respect of each of such portions is as set down in the seventh column of the said schedule opposite such portions respectively and the annual rate per foot frontage to be levied in each year for a period of ten years upon the lands abutting on the said respective streets is as set down in the eighth column of the said schedule and the schedule is in all respects the same as ascertained and determined by the said report and by the court of revision;

And whereas it will require the total sum of three thousand four hundred and seventy-eight dollars and five cents (\$3,478.05) to be raised annually for a period of ten years, the currency of the debentures to be issued under and by virtue of this bylaw to pay the debt created by this bylaw, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be equal to the amount so payable in each of the other years of the said period;

And whereas the said debt is contracted on the credit and security of the corporation at large to be collected however only by way of special frontage assessment system.

Therefore the council of the city of Moose Jaw enacts as follows:

1. That for the purpose of raising the sum of twenty-six thousand eight hundred and fifty-six dollars and sixty-seven cents (\$26,856.67) the portion of the cost of the undertaking construction and completion of the said sidewalks on the sides of the respective streets hereinbefore and in the said schedule mentioned there shall be issued debentures of the city of Moose Jaw to the amount of twenty-six thousand eight hundred and fifty-six dollars and sixty-seven cents (\$26,856.67) which shall bear date the first day of December and bear interest at the rate of five per centum per annum and the debentures shall be payable at the Canadian Bank of Commerce at the city of Moose Jaw in ten annual instalments from their date, the aggregate amount payable in each year for principal and interest in respect of the said debt being equal to the amount so payable in each of the other years of the said period.

2. That each of the said debentures shall be signed by the mayor of the said city and countersigned by the secretary treasurer thereof and the seal of the said corporation duly affixed and the coupons representing the annual instalments of principal and interest shall be signed by the secretary treasurer and the signature of the mayor may be printed or lithographed thereon.

3. For the purpose of paying the said debentures and interest there shall be raised in each year during the currency of the said debentures by a special frontage assessment system the rate per foot frontage mentioned in the eighth column of the said schedule upon the lands abutting on the sides of the said respective streets as mentioned in the said schedule.

4. The debt created by the issue of the said debentures is contracted on the credit and security of the corporation at large, to be collected therefor annually by way of special frontage assessment system.

5. This bylaw shall take effect on the fourteenth day of November, A.D. 1906.

(Sgd.) D. McLEAN, [SEAL]
Mayor.

(Sgd.) JOHN D. SIMPSON,
Secretary-Treasurer.

Certified to be a true copy: JOHN D. SIMPSON.

1 Street on which sidewalk laid and side	2 Portion of such street lying between	3 Value of real property	4 Width sidewalk in feet	5 Cost chargeable to abutting lands	6 No. ft. frontage of abutting lands	7 Cost per ft. rate per ft. frontage in	8 Annual rate per ft. frontage in cents
(a) North side of River St. W.	From its intersection with the west side of Seventh Ave. to its inter- section with the east side of Sixth Ave.	\$14,400.00 51,600.06	6	\$1,080.00	500'	2.16	27.97
(b) South side of River St. W.	From its intersection with the west side of Main St. to its intersection with the east side of Ninth Ave...	51,600.00	10	1,215.00	375'	3.24	41.96
(c) North side of River St. west.	From its intersection with the west side of Eighth Ave. to its intersec- tion with the east side of Seventh Ave.	17,600.00	6	1,080.00	500'	2.16	27.97
(d) South side or Stadacona St. W.	From its intersection with the west side of Main St. to its intersection with the east side of Seventh Ave.	31,725.00	5	2,787.75	1,475'	1.89	20.98
(e) North side of Stadacona St. W.	From its intersection with the west side of Eighth Ave. to its intersec- tion with the east side of Seventh Ave.	15,750.00	5	945.00	500'	1.89	20.98
(f) North side of High St. W.	From its intersection with the west side of Seventh Ave. to its inter- section with the east side of Fifth Ave.	17,300.00	5	1,890.00	1,000'	1.89	20.98

(g) South side of High St. E.	From its intersection with the east side of Main St. to its intersection with the west side of Tenth Ave..	40,500.00	10	1,296.00	400'	3.24	41.96
(h) North side of Athabasca St. E.	From its intersection with the east side of Tenth Ave. to its intersection with the west side of Eleventh Ave.	19,350.00	6	1,080.00	500'	2.16	27.97
(i) Fairford St. from the lane W.	From the west side of the lane to the rear of lot 16 in block 93 to the east side of Sixth Ave.....	85,005.00	10 6	1,215.00 3,240.00	375' of 10' 1500' of 6'	3.24 2.16	41.96 27.97
(j) East side of Main St.	Between the north side of Hochelag St. and the south side of Hall St	19,950.00	8	3,684.15	1,364' 6"	2.70	34.96
(k) East side of Main St.	From its intersection with the north side of Fairford St. to its intersection with south side of Athabasca St.	43,000.00	8	2,430.00	900'	2.70	34.96
(l) West side of Main St.	From its intersection with the north side of Fairford St. to its intersection with south side of Oxford St	43,300.00	8	4,985.55	1,846' 6"	2.70	34.96

1908

CHAPTER 44.

An Act to Validate and Confirm certain Bylaws
of the City of Saskatoon.

[Assented to May 14, 1908.]

Preamble

WHEREAS the council of the city of Saskatoon purporting to act under and by virtue of the authority conferred upon them by *The Saskatoon Charter* and amendments thereto has with the approval of the burgesses as required by the said charter finally passed the several bylaws hereinafter named authorising the issue of debentures of the said city on dates for the amounts and for the purposes named:

Bylaw No. 68.—Finally passed the first day of August, 1906. A bylaw to provide for the raising of a sum not exceeding \$250,000 to be expended in the construction of a system of waterworks, sewerage, electric lighting and power for the corporation of the city of Saskatoon.

Bylaw No. 73.—Finally passed the seventeenth day of October, 1906. A bylaw for the purchase of lands for a hospital site and for the erection, furnishing and maintenance of a hospital in the city of Saskatoon.

Bylaw No. 74.—Finally passed the seventeenth day of October, 1906. A bylaw of the city of Saskatoon to provide for the raising of a sum not exceeding \$8,000 to be expended in the purchase of property for the erection of municipal buildings.

Bylaw No. 170.—Finally passed the sixth day of May, 1908. A bylaw of the corporation of the city of Saskatoon to provide for the raising of a sum not exceeding \$25,000 to be expended in the purchase of fire engines and fire apparatus and equipment and for the purchase of land for the erection of fire halls, and for the erection of fire halls.

Bylaw No. 171.—Finally passed the sixth day of May, 1908. A bylaw of the corporation of the city of Saskatoon to provide for the raising of a sum not exceeding \$130,000 to be expended in the extension of the present system of waterworks, sewerage, electric lighting and power of the corporation of the city of Saskatoon.

Bylaw No. 172.—Finally passed the sixth day of May, 1908. A bylaw to provide for an additional amount to meet

the necessary expenditure in the purchase of lands for an hospital site and for the erection, furnishing and maintenance of a hospital in the city of Saskatoon.

Bylaw No. 173.—Finally passed the sixth day of May, 1908. A bylaw of the city of Saskatoon to provide for the raising of a sum not exceeding \$20,000 to be expended in the strengthening of the superstructure of the Canadian Pacific Railway Company's bridge crossing the South Saskatchewan river where it intersects the northern boundary of the city of Saskatoon sufficient to carry traffic attachment to be hereafter attached to the said bridge to be used as a traffic attachment to the said bridge.

And whereas the city of Saskatoon have contracted for the sale of the debentures covered by the said bylaws; and

Whereas under said bylaws in some cases the interest is payable yearly and the amount is payable in Canadian currency; and

Whereas by said contract of sale it is required that the interest shall be payable half yearly and that the debentures shall be issued in sterling money; and

Whereas all of said bylaws have been approved by the burgesses of the city of Saskatoon as required; and

Whereas on the date of the passing of the said bylaws numbers 68, 73, 74, 170, 171, 172 and 173 respectively no part of the debenture indebtedness of the city of Saskatoon either for principal or interest was in arrears; and

Whereas bylaws numbered 68, 73 and 74 above named were by Act passed in 1907 by the Legislature of the province of Saskatchewan duly legalised; and

Whereas it is desired to confirm bylaws numbers 170, 171, 172 and 173 and to declare the debentures issued or to be issued thereunder or under bylaws numbers 68, 73 and 74 by the city of Saskatoon valid notwithstanding that they may differ from the terms of said bylaws in the times of payment of interest or in currency of money or terms of repayment; and

Whereas the city of Saskatoon has by petition prayed that the said bylaws and debentures be confirmed and validated; and

Whereas bylaw number 68 and bylaw number 171 have been passed and assented to by the burgesses to raise the sums of \$250,000 and \$130,000 respectively and said amounts have been made a charge upon the municipality at large; and

Whereas it was the intention of the council that certain portions thereof should be charged against the land specially benefited by the work to be constructed under the said bylaws and it is desirable that the said intention should be carried out; and

Whereas the said council did on the sixth day of May, 1908, finally pass a certain bylaw number 174 which bylaw is in the words and figures following:

BYLAW NO. 174.

A BYLAW RESPECTING THE ISSUE OF DEBENTURES OF THE CITY OF SASKATOON.

Whereas in the bylaws of the city of Saskatoon heretofore passed authorising the issue of debentures the amounts for which the debentures are authorised to be issued are expressed in the currency of Canada and it is expedient that the mayor and treasurer of the city shall be at liberty to issue all or any of the debentures payable in the currency of the United Kingdom of Great Britain and Ireland;

And whereas some of the said bylaws do not definitely fix the place of payment or the precise rate of interest;

And whereas at the time of passing of the bylaws of the City of Saskatoon authorising the issue of the said debentures and being bylaws numbers 68, 73, 74, 170, 171, 172 and 173 and at the date of the passing of this bylaw no part of the debenture debt of the city either for principal or interest was or is now in arrear:

Now therefore the municipal council of the city of Saskatoon in council duly assembled hereby enacts as follows:

1. Wherever by any bylaw of the city of Saskatoon heretofore or hereafter passed the mayor and treasurer are authorised to issue debentures of the city of Saskatoon and the amounts for which the issue of debentures is authorised is expressed in the currency of Canada all or any of such debentures may nevertheless be made payable in the currency of the United Kingdom of Great Britain and Ireland.

2. Whenever by any bylaw of the city of Saskatoon heretofore or hereafter passed the mayor and treasurer are authorised to issue debentures of the city of Saskatoon and the bylaw does not fix the place of payment all or any of the debentures may be made payable at such place or places within or without the Dominion of Canada as the mayor and treasurer executing the debentures shall deem expedient and state therein respectively.

3. Whenever by any bylaw of the city of Saskatoon heretofore or hereafter passed the mayor and treasurer are authorised to issue debentures of the city of Saskatoon payable with interest at a rate not exceeding a specified rate the precise rate of interest shall be such, not exceeding the maximum rate specified as the mayor and treasurer executing the debentures shall deem expedient and specify or indicate therein respectively.

4. Bylaws numbers 68, 73 and 74 of the city of Saskatoon are hereby amended as follows: By making the interest payable half yearly on the first days of January and July in each year instead of payable yearly and the principal repayable by means of sinking fund instead of yearly payments as provided in the said bylaws.

5. All of the said bylaws namely: 68, 73, 74, 170, 171, 172 and 173 are further amended by providing that all of the debentures to be issued thereunder may be made repayable at the expiration of thirty years, a sinking fund being provided for the payment thereof and the interest thereon at the rate of five per cent. per annum half yearly.

6. This bylaw shall come into force and take effect on the final passing thereof.

Done and passed in council this sixth day of May, 1908.

And whereas the said city of Saskatoon has by its petition prayed that the said bylaws and debentures be confirmed and validated;

And whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Bylaws numbered 68, 73, 74, 170, 171, 172, 173 and 174 and finally passed by the council of the city of Saskatoon are and each of them is hereby declared legal, valid and binding on the city of Saskatoon notwithstanding any informalities, irregularities or defects therein either in substance or in form or any want of jurisdiction of the said council to pass the same and each and all of the debentures and the coupons thereto attached, issued or to be issued thereunder are hereby declared legal and valid notwithstanding that the same are payable at periods other than those fixed or at places other than those named in the bylaws and are payable in sterling money instead of Canadian currency and the said city of Saskatoon shall be bound to pay each and all of the debentures and coupons as therein respectively stated; and all assessments made or to be made for the payment of any and all of the same are confirmed and declared to be legal, valid and binding. Bylaws validated

2. That as in the city of Saskatoon the office of secretary treasurer has in pursuance of *The Saskatoon Charter* been divided the debentures to be issued under any of the said bylaws or under any bylaw hereafter passed by the council of the city of Saskatoon shall be sealed with the seal of the corporation and signed either by the mayor or by some person authorised by bylaw to sign the same in his stead and by the treasurer or by some person authorised by bylaw to sign the same in his stead and the signatures to the coupons attached to a debenture may be engraved or lithographed. Sealing of debentures

3. That the said corporation shall raise and it is hereby authorised to raise in each of the years during the term of the said debentures or any of them by a special rate such sum or sums sufficient to meet the amount of the coupons attached to Annual levy to meet payments

the said debentures as they mature and also an equal sum or sums annually during the period over which the debenture is to run sufficient with the accumulated interest thereon to meet the principal of the debenture at the maturity thereof.

Council may
pass bylaws
therefor

4. The council may in pursuance of bylaws numbers 68 and 171 pass bylaws as provided for in title XXXIII, section 3, subsections (a) and (b) of *The Saskatoon Charter* and make the necessary assessments therefor.

Provision as
to
debentures

5. Notwithstanding anything contained in any of the said bylaws 68, 73, 74, 170, 171, 172, 173 or 174 the debentures issued or to be issued under any of the said bylaws need not have indorsed thereon the provisions set out in title XXIV, section 17 of *The Saskatoon Charter*.

1907, c. 39,
amended

6. Chapter 39 of the Acts of 1907 is hereby amended in so far as the same is inconsistent herewith and as amended shall apply to all of said bylaws numbers 68, 73, 74, 170, 171, 172, 173 and 174.

1908

CHAPTER 45.

An Act to confirm certain Money Bylaws of
the Town of Battleford.

[Assented to June 12, 1908.]

WHEREAS the municipal corporation of the town of ^{Preamble}
Battleford has by petition represented that the council
of the said corporation on the twenty-fifth day of March, A.D.
1907, finally passed bylaw number 68 of the said town entitled
“A bylaw of the town of Battleford to create a debt of ninety
thousand (\$90,000) dollars for the purpose of providing a
water supply and waterworks system, of constructing a
sewerage system and of building and operating an electric
light and power plant;”

And whereas before the final passing of the said bylaw the
same was duly submitted to a vote of the ratepayers of the
said town qualified to vote thereon and was assented to by a
two thirds majority of the ratepayers voting thereon;

And whereas the said municipal corporation has by
petition represented that the council of the said corporation
on the ninth day of September, A.D. 1907, finally passed
bylaw number 87 of the said town entitled “A bylaw of the
town of Battleford to create a debt of ten thousand (\$10,000)
dollars for the purpose of granting a bonus to a mill company
and entering into a contract in respect of the same;”

And whereas before the final passing of the said bylaw
the same was duly submitted to a vote of the ratepayers of
the said town qualified to vote thereon and was assented to
by a two thirds majority of the ratepayers voting thereon;

And whereas the said municipal corporation has by petition
further represented that certain doubts exist as to the validity
of the said bylaws and debentures issued or to be issued there-
under and that it is expedient to validate and confirm the said
bylaws;

And whereas the said municipal corporation has by petition
further represented that it is desirable to confirm the said
bylaws for the purpose of enhancing the value of the deben-
tures to be issued thereunder;

And whereas the said municipal corporation has by its said
petition prayed that an Act may be passed for the purposes
aforesaid:

And whereas no opposition has been offered by or on behalf
of any ratepayer or otherwise to the said petition;

And whereas it is expedient to grant the prayer of the said petition;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Bylaws 68
and 87
validated

1. Bylaws numbers 68 and 87 of the corporation of the town of Battleford set forth as schedules A and B respectively to this Act are and each of them is hereby declared to be valid and binding and to have been valid and binding upon the said corporation and upon the ratepayers thereof as and from the date of the final passing thereof.

Debentures
validated

2. All debentures heretofore or hereafter issued by the said corporation in pursuance of the provisions of the said bylaws and each of them are hereby validated and confirmed and declared to be legal and binding upon the said corporation and the ratepayers thereof.

Debentures
declared a
special
charge

3. All debentures issued or to be issued by the said corporation in pursuance of the provisions of the said bylaw number 68 shall be and are hereby declared to be a special charge upon the waterworks system, the sewerage system and the electric light and power plant constructed or to be constructed by the said corporation and upon the works and lands connected therewith or appertaining thereto and the revenues derived therefrom to the extent provided by *The Municipal Public Works Act* and shall also be and are hereby declared to be a charge upon the credit of the corporation as a whole anything contained in any Act or law to the contrary notwithstanding.

Borrowing
powers

4. The said corporation is hereby authorised to borrow from time to time during the construction of the works in said bylaw number 68 mentioned such sum or sums as may be deemed necessary for the construction of such works or any part thereof not however exceeding the amount of the debentures authorised by said bylaw and remaining unsold and to pledge or hypothecate the said debentures or any portion thereof to secure the repayment of any sum or sums so borrowed.

Debentures
may be
issued

5. The debentures authorised under the said bylaws may be issued at any time within two years from the passing of this Act notwithstanding that the same or some part or parts thereof may have been pledged or hypothecated as security for advances made to the said municipal corporation.

Validity not
to be
questioned

6. The validity of the said bylaws numbers 68 and 87 or either of them or of the debentures issued in pursuance of the provisions thereof shall not be questioned in any action, suit or other proceedings in any court of the province.

SCHEDULE.

A

A bylaw of the town of Battleford to create a debt of ninety thousand (\$90,000) dollars for the purpose of providing a water supply and waterworks system, of constructing a sewerage system and of building and operating an electric light and power plant.

Whereas it is deemed expedient by the municipal council of the town of Battleford to provide a water supply and waterworks system, to construct a sewerage system and to build and operate an electric light and power plant and to purchase and acquire the land, easements and rights that may be necessary or requisite for or incidental to each and all of such purposes;

And whereas it is necessary therefor that the sum of ninety thousand (\$90,000) dollars which is the debt now intended to be created by this bylaw should be borrowed upon the credit of the municipality by the issue of debentures therefor and that the proceeds of such debentures should be applied for the purposes aforesaid approximately as follows: To provide water supply and waterworks system and all necessary appliances for fire protection, to purchase and acquire the land, easements and rights that may be necessary or requisite therefor or incidental thereto the sum of thirty-five thousand (\$35,000) dollars; to construct a sewerage system and to purchase and acquire the land, easements and rights that may be necessary or requisite therefor or incidental thereto the sum of thirty thousand (\$30,000) dollars; to build and operate an electric light and power plant and to purchase and acquire the land, easements and rights that may be necessary therefor or incidental thereto the sum of twenty-five thousand (\$25,000) dollars;

And whereas the said indebtedness is to be spread over a period of fifty years;

And whereas the amount of the whole ratable property of the said municipality according to the last revised assessment roll is three hundred and eighty-eight thousand, nine hundred and seventy-two (\$388,972) dollars;

And whereas the existing debt of the municipality outside of the debt for current expenses of the year 1907 is \$4,830.09;

And whereas this bylaw shall take effect on the first day of July, A.D. 1907;

Now therefore the municipal council of the town of Battleford in council assembled enacts as follows:

1. That the mayor and council of the town of Battleford do raise the sum of ninety thousand (\$90,000) dollars for the purposes aforesaid and in the manner hereinafter mentioned.

2. That the debt hereby created and intended to be created shall be payable within fifty years from the said first day of July, A.D. 1907.

3. That fifteen debentures of the municipality of the town of Battleford dated on the said first day of July, A.D. 1907, each containing a promise by the said municipality to pay to the bearer thereof the sum of six thousand (\$6,000) dollars at the office of the secretary treasurer of the said town of Battleford in forty-five equal, consecutive, annual instalments from the date thereof, the first of which instalments shall be due and payable on the first day of January, A.D. 1912, together with the interest from the said first day of July, A.D. 1907, at the rate of five per cent. per annum which interest shall be payable on the first day of January in each year upon the amount from time to time remaining unpaid, the first of such payments of interest to be due and payable on the first day of January, A.D. 1908, each of such debentures having attached thereto fifty coupons providing for the respective payments of interest and instalments of principal as aforesaid and said debentures shall be duly prepared, executed and sold for the purposes aforesaid and in conformity with the provisions of *The Municipal Public Works Act* being chapter 34 of the Statutes of the province of Saskatchewan passed in the year A.D. 1906; and the mayor and secretary treasurer of the said town are hereby authorised and directed to sign the said debentures and coupons and to affix the corporate seal of the town to the said debentures and coupons and thereupon the said debentures and coupons shall be deemed to have been executed.

4. There shall be raised annually during each of the fifty years, beginning with the year 1907 and ending with the year 1956, a special rate sufficient therefor levied on all the property of the municipality for the payment of the principal and interest so to become due on such debentures the respective sums following, that is to say:

Years.	Principal.	Interest.	Total.
1907		2250.00	2250.00
1908		4500.00	4500.00
1909		4500.00	4500.00
1910		4500.00	4500.00
1911		4500.00	4500.00
1912	2000.00	4500.00	6500.00
1913	2000.00	4400.00	6400.00
1914	2000.00	4300.00	6300.00
1915	2000.00	4200.00	6200.00
1916	2000.00	4100.00	6100.00
1917	2000.00	4000.00	6000.00
1918	2000.00	3900.00	5900.00
1919	2000.00	3800.00	5800.00
1920	2000.00	3700.00	5700.00
1921	2000.00	3600.00	5600.00
1922	2000.00	3500.00	5500.00
1923	2000.00	3400.00	5400.00
1924	2000.00	3300.00	5300.00
1925	2000.00	3200.00	5200.00
1926	2000.00	3100.00	5100.00
1927	2000.00	3000.00	5000.00
1928	2000.00	2900.00	4900.00
1929	2000.00	2800.00	4800.00
1930	2000.00	2700.00	4700.00
1931	2000.00	2600.00	4600.00
1932	2000.00	2500.00	4500.00
1933	2000.00	2400.00	4400.00
1934	2000.00	2300.00	4300.00
1935	2000.00	2200.00	4200.00
1936	2000.00	2100.00	4100.00
1937	2000.00	2000.00	4000.00
1938	2000.00	1900.00	3900.00
1939	2000.00	1800.00	3800.00
1940	2000.00	1700.00	3700.00
1941	2000.00	1600.00	3600.00
1942	2000.00	1500.00	3500.00
1943	2000.00	1400.00	3400.00
1944	2000.00	1300.00	3300.00
1945	2000.00	1200.00	3200.00
1946	2000.00	1100.00	3100.00
1947	2000.00	1000.00	3000.00
1948	2000.00	900.00	2900.00
1949	2000.00	800.00	2800.00
1950	2000.00	700.00	2700.00
1951	2000.00	600.00	2600.00
1952	2000.00	500.00	2500.00
1953	2000.00	400.00	2400.00
1954	2000.00	300.00	2300.00
1955	2000.00	200.00	2200.00
1956	2000.00	100.00	2100.00

5. This bylaw shall take effect on the first day of July, 1907.

6. This bylaw shall before the final passing thereof be submitted to the vote of the ratepayers of the said municipality qualified to vote thereon and the votes of the persons entitled to vote shall be taken at the council chamber in the said town of Battleford on Thursday, the twenty-first day of March, A.D. 1907, from the hours of nine o'clock (standard time) in the forenoon until five o'clock (standard time) in the afternoon of the same day between which time the poll

shall be kept open and Richard Carney Laurie shall be returning officer to take the votes at said council chamber and on the twenty-first day of March, A.D. 1907, at the hour of six o'clock in the afternoon at the council chamber the said returning officer shall sum up the number of votes given for or against this bylaw.

Received first and second readings in council assembled the twenty-fifth day of February, A.D. 1907.

(Sd.) R. C. LAURIE,

Secretary Treasurer.

(Sd.) B. PRINCE,

Mayor.

Received third reading on the twenty-fifth day of March, A.D. 1907, and ordered to be signed and sealed.

B

A bylaw of the town of Battleford to create a debt of ten thousand dollars for the purpose of granting a bonus to a mill company and entering into a contract in respect of the same.

Whereas it is deemed expedient by the municipal council of the town of Battleford to enter into a contract, hereinafter set forth, with certain persons, hereinafter named, to the number of six, who have set forth that they desire and intend to form themselves into a joint stock company under the corporate name of "The Battleford Milling and Elevator Company, Limited," in accordance with the Ordinances of this province;

And whereas a petition for the purpose of having this bylaw introduced has been duly presented as required by the municipal ordinances;

And whereas it is necessary that the sum of ten thousand (\$10,000) dollars which is the debt intended to be created by this bylaw should be borrowed upon the credit of the municipality at large by the issue of debentures therefor and that the proceeds of said debentures should be applied for the purpose aforesaid;

And whereas in order to do so it is desirable and necessary to issue debentures of the town of Battleford for the sum of ten thousand (\$10,000) dollars, repayable with interest thereon at the rate of five (5) per centum per annum in equal aggregate yearly sums during the period of twenty years within which the said debt is to be discharged, the proceeds of such debentures to be applied to the said purpose and no other;

And whereas it will require the sum of eight hundred and two 42-100 dollars to be raised annually by special rate for the payment of the said debt and interest in each year for the period of twenty years;

And whereas the amount of the whole ratable property of the said municipality according to the last revised assessment roll is \$567,887;

And whereas the municipality has an existing debt (outside of the debt for current expenses for the year 1907) in the sum of \$4,217.02;

And whereas this bylaw shall take effect on the twelfth day of September, A.D. 1907;

And whereas it is proposed to grant an exemption from taxation to the said persons hereinafter mentioned on the buildings and property hereinafter to be acquired and erected for the purpose of operating a mill and elevator for the period of five years;

Now therefore the municipal council of the town of Battleford enacts as follows:

1. The mayor and clerk of the town of Battleford are hereby authorised to execute the agreement hereinafter set forth and affix thereto the seal of the said town between the trustees therein named and the said town, upon the said trustees executing the same.

The agreement hereinbefore referred to is in the following words and figures:

Agreement entered into this day of
A.D. 1907.

Between J. G. Oliver, C. H. Bennett, D. K. Weber, J. D. MacGregor, S. S. Simpson and W. W. Livingston, all of the town of Battleford in the province of Saskatchewan, hereinafter called "The Trustees" of The Battleford Milling & Elevator Co., Ltd., of the first part; and

The town of Battleford, hereinafter called the "town" of the second part.

Whereas the trustees propose to incorporate a company under *The Companies Ordinance* to own and operate a flour mill and elevator, and until such incorporation are acting as trustees for such proposed company;

And whereas the town propose to grant the trustees a cash bonus of ten thousand (\$10,000) dollars upon the terms hereinafter set forth;

Now therefore this agreement witnesseth that in consideration of these presents the parties hereto agree as follows:

1. The trustees shall within five months from the execution of this agreement build and erect a flour mill in the town of Battleford at or near the Canadian Northern station, which flour mill shall be set on solid concrete foundation and be built of the best material and shall be equipped with the best and most modern milling machinery and shall be of a capacity of one hundred (100) barrels per day with provision for enlargement to a capacity of one hundred and twenty-five (125) barrels per day. The exterior walls and roof thereof shall be enclosed with metallic sheeting.

The trustees shall within three months from the execution of this agreement build and erect an elevator in the said town of Battleford at or near the Canadian Northern station which elevator shall have a capacity of thirty thousand (30,000) bushels and shall be constructed according to the latest plans for elevators and shall be equipped with all modern machinery to include elevators, shafting, scales, spouts, bins, etc., all first class in every respect, the same and the flour mill above referred to to cost not less than twenty-three thousand (\$23,000) dollars and the exterior walls and roof of the said elevator shall be enclosed with metallic sheeting.

The trustees covenant and agree to employ a complete and practical miller to operate and have charge of such mill and elevator.

The trustees covenant and agree to operate the elevator and have the same available for use at all times, except legal holidays and to operate the flour mill not less than one hundred and fifty (150) days in each year during a period of five (5) years from the commencement of its operations.

The town agrees that in consideration of the erection and establishment of such flour mill and elevator to grant to the trustees a cash bonus of ten thousand (\$10,000) dollars which shall be payable as follows: Five thousand (\$5,000) dollars forthwith upon the trustees establishing to the satisfaction of the town that they have invested and expended ten thousand (\$10,000) dollars of subscribed capital upon construction of said flour mill and elevator; and the balance of \$5,000 upon the completion and operation of the said flour mill and elevator to the satisfaction of the town.

The trustees further covenant and agree that before any sum in respect of such bonus shall be earned or demanded they shall grant to the town a first mortgage for ten thousand (\$10,000) dollars at five (5) per centum per annum upon all their land and premises and leaseholds, franchises and utilities used or occupied by or in connection with their mill site, elevator site, mill and elevator, which mortgage shall be properly executed and shall contain all usual covenants applicable, and in particular a covenant to insure for the sum of ten thousand (\$10,000) dollars; and containing the proviso that, if the trustees keep and fulfil all the conditions, covenants and agreements set forth or implied in this agreement, for a period of five (5) years from the date of said mortgage then said mortgage shall be discharged as paid, otherwise to be subject to foreclosure upon any violation of the terms or intent of this agreement. Time shall be of the essence of this agreement.

The word "trustees" used in this agreement shall include the heirs, executors, successors and assigns of the said trustees named.

In witness whereof the mayor and clerk of the said corporation have hereunto set their hands and the corporate seal of

the said town of Battleford and the trustees have set their hands and seals the day and year first above written.

Signed, sealed and delivered }
in presence of }

2. That J. G. Oliver, C. H. Bennett, D. K. Weber, J. D. MacGregor, S. S. Simpson and W. W. Livingston as trustees for the company by them to be formed and incorporated under the name of The Battleford Milling and Elevator Co., Ltd., shall be exempt from all taxes levied by the town of Battleford in respect of the mill site, elevator site, mill and elevator hereinafter to be erected by them, pursuant to the provisos in the hereinbefore mentioned agreement for a period of five (5) years from the twenty-first day of December, A.D. 1907.

3. The sum of ten thousand (\$10,000) dollars shall be expended by the town of Battleford in the manner aforementioned for the purpose of granting a bonus to the said J. G. Oliver, C. H. Bennett, D. K. Weber, J. D. MacGregor, S. S. Simpson and W. W. Livingston and the company by them to be formed and incorporated and for the purpose of raising the said sum of ten thousand (\$10,000) dollars twenty debentures of the said town of Battleford shall be issued, each for the sum of eight hundred and two 42-100 dollars and each payable on the twelfth day of September in each of the twenty years next after the twelfth day of September, A.D. 1907, and the amount of the said respective debentures shall be made of the proportion of the said principal sum of ten thousand (\$10,000) dollars and of the interest at the rate of five (5) per centum per annum for the year then past respectively and the amount of the principal money remaining from time to time unpaid and according to schedule following, that is to say:

No.	Date	Principal	Interest	Total
1	Sept. 12, 1908	\$302.42	\$500.00	\$802.42
2	Sept. 12, 1909	317.55	484.87	802.42
3	Sept. 12, 1910	333.42	469.09	802.42
4	Sept. 12, 1911	350.09	452.33	802.42
5	Sept. 12, 1912	367.62	434.80	802.42
6	Sept. 12, 1913	385.98	416.44	802.42
7	Sept. 12, 1914	405.28	397.14	802.42
8	Sept. 12, 1915	425.54	376.88	802.42
9	Sept. 12, 1916	446.82	355.60	802.42
10	Sept. 12, 1917	469.16	333.26	802.42
11	Sept. 12, 1918	492.62	309.80	802.42
12	Sept. 12, 1919	517.25	285.17	802.42
13	Sept. 12, 1920	543.12	259.30	802.42
14	Sept. 12, 1921	570.27	232.15	802.42
15	Sept. 12, 1922	598.78	203.64	802.42
16	Sept. 12, 1923	628.72	173.70	802.42
17	Sept. 12, 1924	660.16	142.26	802.42
18	Sept. 12, 1925	693.16	109.26	802.42
19	Sept. 12, 1926	727.82	74.60	802.42
20	Sept. 12, 1927	764.22	38.20	802.42
		\$10,000.00	\$6,048.40	\$16,048.40

Which said debentures shall be sealed with the common seal of the town of Battleford and signed by the mayor or such other person as may hereafter be authorised by bylaw of said town and municipality to sign the same and shall be countersigned by the secretary treasurer of the said town and the interest on the said principal money shall be computed at the rate of five (5) per centum per annum.

4. The mayor of the town of Battleford shall cause the said debentures to be sold at the highest price that can be obtained therefor.

5. The said debentures shall be made payable on the twelfth day of September in the years 1908 to 1927 both inclusive at the office of the secretary treasurer at the town of Battleford.

6. The said sum of \$802.42 required to be raised shall be levied and collected in each year commencing with the year 1908 by special rate sufficient therefor on all ratable property within the municipality of the said town of Battleford at the same time and in the same manner as the ordinary general taxes during the currency of the said debt.

7. This bylaw shall come into force and take effect on the twelfth day of September, A.D. 1907.

8. The said debentures shall be dated as of the actual date on which this bylaw takes effect.

9. The votes of the ratepayers of the town of Battleford for and against this bylaw shall be taken at the town hall in the town of Battleford on the thirty-first day of August, A.D. 1907, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

10. That J. A. Mason be and he is hereby appointed returning officer to take the votes of the electors of the town of Battleford for and against the said bylaw at the time aforesaid.

11. That the said returning officer shall at the office of the secretary treasurer in the town of Battleford at the hour of six o'clock in the afternoon on the thirty-first day of August, A.D. 1907, sum up the votes of the electors of the said town of Battleford taken for and against the said bylaw and the said time and place is hereby fixed for the purpose of summing up such votes as aforesaid.

12. The agreement referred to shall be signed by both parties within ten days after signing of bylaw, otherwise the contract becomes null and void.

Introduced and read the first time in council at the town of Battleford on the fifth day of August, A.D. 1907, and read the second time at the town of Battleford on the fifth day of August, A.D. 1907, and read a third time in council at the town of Battleford and passed on the ninth day of September, 1907.

(Sd.) J. A. MASON,
Secretary Treasurer.

(Sd.) B. TRIND,
Mayor.

1908

CHAPTER 46.

An Act to authorise the City of Moose Jaw to Expropriate Lands and for other purposes.

[Assented to June 12, 1908.]

WHEREAS the municipal corporation of the city of Moose Jaw has by petition represented that the said corporation has built a power house for the purpose of a water-works and electric light system in said city and that said power house is so located in the said city that it is necessary to incur a heavy annual outlay for teaming the coal and fuel used in the operation of such power house from the point or points at which such fuel is received; and

Whereas the corporation is desirous of constructing or having constructed a spur track from the Canadian Pacific Railway Company's line of railway to such power house with the further right to construct or have constructed other spur tracks if afterwards deemed desirable by the corporation to connect with any other line of railway; and

Whereas the said corporation desires the right to expropriate the lands over which it is necessary to pass or which it is necessary to use in connection with the construction of said spur track or tracks and in erecting suitable storage facilities for fuel and supplies for use in connection with the water-works and electric light system; and

Whereas the corporation desires the right to construct said spur track or tracks or to enter into contracts with any person or corporation for the construction, maintenance and operation thereof; and

Whereas the said corporation is desirous of premitting the construction therein of spur railway tracks for warehouse and commercial purposes and is desirous of obtaining the right to expropriate under the provisions of *The Municipal Ordinance* all lands deemed necessary for the purposes of constructing such spur tracks; and

Whereas the city has pursuant to said powers constructed a system of waterworks and has for such purpose passed over lands outside the city limits and within a radius of ten miles from the city and built a pipe line to the source of supply at Snowdy's springs; and

Whereas doubt exists as to the right of the city to expropriate the land used in connection with the construction of

said waterworks system and lying outside the limits of the city of Moose Jaw; and

Whereas the corporation of the city of Moose Jaw is desirous of exercising the right of expropriation of the land necessarily used or to be used in connection with the operation of said pipe line; and

Whereas the corporation of the said city is desirous that the city should have the right to direct and require the owners of all property occupied or not occupied in the city to connect such property by proper sewer and water connections with the said waterworks system and any extensions thereof, and in default thereof authorising the city to make such connections at the expense of such property owners affected; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Spur track
to power
house

1. The corporation of the city of Moose Jaw is hereby empowered to expropriate under the provisions of *The Municipal Ordinance* all lands necessary or deemed by the corporation necessary for the construction, maintenance and operation of a spur track or tracks to connect the power house in the said city with the Canadian Pacific Railway Company's line of railway or with any other railway line hereafter to be constructed in said city and with the further right to expropriate all lands necessary or deemed necessary by the corporation for the construction of any buildings, storehouses, warehouses or yardage to store fuel or other supplies used or to be used in connection with the maintenance and operation of the power plant of the said corporation:

Compensa-
tion

Provided that the said city shall make due compensation under the provisions of *The Municipal Ordinance* to the owner of any lands so taken and shall also pay damage for any land or any interest in land injuriously affected by the construction, maintenance or operation of such spur track or tracks the amount of damage to be determined by arbitration under the provisions of *The Arbitration Ordinance*.

Construction
and main-
tenance of
spur track

2. The said corporation shall have the right to construct, maintain and operate any spur railway track or tracks by them deemed desirable for the purposes of supplying fuel to said power house and shall have the further right to enter into any contract with any person or corporation for the construction, maintenance and operation of such spur track or tracks or for any of such purposes.

Expropria-
tion in
blocks 124
to 128 for
spur track

3. The city of Moose Jaw shall have and authority is hereby given the said city to expropriate under the provisions

of any law governing the said city in that behalf, such portions of blocks numbers 124 to 128 both inclusive as shown on the registered plan old number 96 of the said city as are necessary or deemed by the said city necessary for the construction thereon or for the use, operation and maintenance thereof of a railway spur track or tracks.

4. The corporation of the city of Moose Jaw shall have the right and are hereby empowered to require the owners of all property in the city whether occupied or not to connect such property by sewer and water connections approved by the city with the city system as now constructed or as the same may at any time hereafter be extended from time to time; and in default of the owner making such connections within the time by him required by the corporation to make the connection the corporation shall have the right to instal the connection and charge the same against the property owner affected and to collect the amount expended in making such connection in the same manner as is adopted by the city for the collection of the cost of installing such water connection when made at the request of the property owner or in any other manner decided upon by bylaw of the corporation:

Compulsory
sewer and
water
connections

Provided that the provisions of this section shall apply only to property owners a portion of whose property adjoins a street or lane along which a sewer or water main, as the case may be, has been laid adjacent to such property.

Proviso

5. The city of Moose Jaw shall have the power notwithstanding anything in *The Municipal Ordinance* or any other Act to expropriate in the manner provided in *The Municipal Ordinance* for the expropriation of lands situated within the city, any portion or portions of the lands being west half of section ten and the north half and the south-east quarter of section nine all in township 16 and range 27 west of the second meridian lying along the said pipe line constructed by the corporation connecting the waterworks system therein with Snowdy's springs aforesaid and deemed by the corporation necessary to repair, maintain and operate the pipe line aforesaid:

Pipe line to
Snowdy's
Springs

Provided however that the corporation shall not have the right to expropriate land for a greater distance than fifteen feet on each side of the middle line of the said pipe line.

1908

CHAPTER 47.

An Act respecting the Town of Milestone.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Powers of
expropria-
tion confer-
red on the
town of
Milestone

1. In addition to any powers of expropriation conferred by any law now or hereafter in force governing the town of Milestone in the province of Saskatchewan the said town shall from time to time as deemed expedient have power subject to the approval of the Lieutenant Governor in Council to enter upon and take possession of any lands comprised within the limits of the town which in the opinion of the council of the said town are required for the purpose of erecting, establishing or maintaining thereon any public or private building for the use of the said town or any private individual or person and to hold the said land and sell the same from time to time in whole or in part and on such terms and conditions as to the council shall seem meet.

Form of
bylaws

2. Every bylaw passed by the council of the said town under the provisions of this Act shall contain an accurate description of the land so expropriated and the purposes for which it is expropriated.

Compensa-
tion and
arbitration

3. The council of the said town of Milestone shall make to the owners or other persons interested in any land expropriated under the provisions of this Act due compensation for the land so expropriated and any claim for such compensation if not mutually agreed upon shall be determined by arbitration under the provisions of *The Arbitration Ordinance*.

1908

CHAPTER 48.

An Act to enlarge the area of the Town of Weyburn
by adding thereto certain lands.

[Assented to June 12, 1908.]

WHEREAS the mayor and council of the corporation of Preamble
the town of Weyburn have by their petition represented
that the said town of Weyburn at present consists of section
twenty-one (21) in township eight (8) in range fourteen (14)
west of the second meridian in the province of Saskatchewan;
and that owing to the rapid growth and development of the
said town it has become necessary to enlarge the area thereof;
and that there are adjacent to the said town and convenient,
suitable and available for the purpose of enlarging the area
thereof the following lands, namely: the east half of section
twenty (20), the south-west quarter of section twenty-eight
(28) and the south-east quarter of section twenty-nine (29)
all in township eight (8) and range fourteen (14) west of the
second meridian in the province of Saskatchewan;

And whereas it is desirable and expedient to grant the
prayer of the said petition:

Now therefore his Majesty by and with the advice and
consent of the Legislative Assembly of Saskatchewan enacts
as follows:

1. That the limits of the town of Weyburn be extended Area added
to town of
Weyburn
so as to include the following lands, that is to say: the east
half of section twenty (20), the south-west quarter of section
twenty-eight (28) and the south-east quarter of section
twenty-nine (29) all in township eight (8) and range four-
teen (14) west of the second meridian in the province of
Saskatchewan.

2. The said land so added to the area of the said town Liability for
debentures
shall be liable to secure repayment of and may be assessed
for and a rate levied thereon for their proportionate part of
any debentures now or hereafter issued by the said town for
the installation of a waterworks system within the said town
under bylaw of the said town passed in that behalf but save
as aforesaid no assessment shall be made nor any rate levied by
the said corporation upon any of the said lands so added to
the area of the said town for the purpose of paying any

indebtedness of the said corporation already incurred by the said corporation nor shall said land or any portion thereof be liable for the purpose of securing repayment of any debenture indebtedness of the said corporation incurred prior to the passing of this Act.

Taxation

3. The said lands so added to the area of the said town may be assessed and taxes may be levied on such by the said corporation commencing with the year 1909.

1908

CHAPTER 49.

An Act to Incorporate the Village of Watson
as a Town Municipality.

[Assented to June 12, 1908.]

WHEREAS application has been made by petition of the ^{Preamble} ratepayers of the village of Watson in the province of Saskatchewan to incorporate the village of Watson a town municipality under the name of the town of Watson with such area as hereinafter set forth;

And whereas it is expedient that the said village and certain lands adjacent thereto should be erected into and incorporated a town municipality;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. From and after the coming into force of this Act the ^{Incorporation} north-west quarter of section 28 in township 36 in range 18 west of the second meridian being the present village of Watson together with the north-east quarter of section 28 in township 36 in range 18 west of the second meridian and the south half of section 33 in township 36 in range 18 west of the second meridian all in the province of Saskatchewan are hereby constituted and incorporated as a body corporate and politic under the name of the town of Watson.

2. Upon and after the coming into force of this Act the ^{Powers of the town} said town as such body corporate and politic shall have and possess the same authorities, rights and powers as if it had been erected a town municipality under the provisions of *The Municipal Amendment Ordinance 1901* and the provisions of any law in force in the province which would have been applicable to the said town if it had been incorporated under the provisions of *The Municipal Amendment Ordinance 1901* shall apply to and be in force in the said town.

3. The Lieutenant Governor in Council shall have power ^{First election} in his proclamation bringing this Act into force to name a returning officer to hold the first election of mayor and councillors for the said town; and the provisions of *The Municipal Amendment Ordinance 1901* as amended shall apply to the said first election; and the expenses of and incidental to the passing of this Act and to the holding the said first election shall be a charge upon the revenue of the said town.

Commence-
ment of Act

4. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and from such day so declared become and be in force.

1908

CHAPTER 50.

An Act to Incorporate the Hudson Bay Insurance Company.

[Assented to June 12, 1908.]

WHEREAS Richard Bogue, merchant, Charles E. Berg, ^{Preamble} manager, Edwin L. Colling, druggist, and Thomas Miller, newspaper proprietor, all of the city of Moose Jaw in the province of Saskatchewan have petitioned that they may be incorporated under the name of the Hudson Bay Insurance Company for the purposes herein contained;

And whereas it is expedient to grant the prayer of the said petitioners:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The persons hereinbefore named and all such persons as shall hereafter become shareholders of the said company shall ^{Incorporation, name, objects} be and are hereby constituted and declared to be a body corporate in law and in fact under the name and style of the "Hudson Bay Insurance Company" for effecting insurance against losses by fire, lightning, hail storms, accidents and casualties and doing all things appertaining thereto or connected therewith and as such to have perpetual succession with a corporate seal and power from time to time to make, alter, break or change the same and shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in any court of law or equity.

2. The capital stock of the company shall be five hundred thousand dollars divided into five thousand shares of one ^{Capital stock} hundred dollars each.

3. The head office of the company shall be in the city of Moose Jaw in the province of Saskatchewan; but ^{Head office branches} branch offices, subboards or agencies may be established and maintained either in said province or elsewhere in such manner as the directors from time to time direct; said head office however may be changed from time to time to such other place as may by the directors be designated by bylaw:

Proviso

Provided however that such bylaw shall be of no effect until it shall have been approved of by the shareholders at an annual general meeting or a special general meeting to be expressly convened for that purpose notice thereof being subsequently given in two consecutive issues of *The Saskatchewan Gazette*.

**Provis-
ional
directors**

Stock book

4. For the purpose of organising the said company the persons named in the preamble to this Act shall be the provisional directors thereof; and they or a majority of them may cause stock books to be opened at the chief place of business of the company and elsewhere at the discretion of the said provisional directors which shall remain open as long as they may deem necessary; and the provisional directors are hereby authorised to receive from the shareholders a deposit of ten per cent. on the amount of the stock subscribed by them respectively and to pay out of the same all costs and expenses incurred in the application for and obtaining this Act of incorporation; so soon as the directors shall have been elected as hereinafter provided the powers and functions of the provisional directors shall cease and determine.

**First
general
meeting**

**Election of
board of
directors**

5. When one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid and ten per cent. of the amount so subscribed paid in the provisional directors may call a general meeting of the shareholders at the chief place of business of the company giving ten days' notice of the time and place where such meeting is to be held in some newspaper published in the city of Moose Jaw and by sending to each shareholder a copy of said notice by registered letter, at which general meeting the shareholders present in person or represented by proxy shall elect in the manner hereinafter provided a board of directors composed of not less than five nor more than nine duly qualified shareholders who shall hold office until their successors are elected; and it shall not be lawful for the said company to commence the business of insurance until at least one hundred thousand dollars of its capital stock shall have been subscribed and ten per centum of the amount so subscribed paid in and a board of directors elected as aforesaid.

**Deposit
with
provincial
treasurer**

6. The said company before commencing the business of insurance shall deposit with the provincial treasurer the sum of five thousand dollars and such deposit may be made by the company in cash or in securities of the Dominion of Canada or in securities issued by or guaranteed by any of the provinces of Canada or in municipal or school bonds or debentures or by deposit receipts issued by any chartered bank in Canada which said sum shall be held for the benefit of the policy holders of the said company in Saskatchewan as long as any policies of the said company are outstanding within the said province.

7. The general meeting of the shareholders of the company shall be called once in each year at its head office on such day and at such hour as may be appointed by bylaw thirty days notice of such meeting being given in some newspaper at or as near as may be to the said head office; and at such meeting a full and correct statement of the accounts and affairs of the new company and a general abstract of its estimated liabilities and assets shall be submitted by the directors. ^{Annual general meeting}

8. Special general meetings of the shareholders may be called in such manner as the bylaws prescribe; shareholders who hold one-fourth part in value of the subscribed stock of the company on which all calls and other sums then due have been paid may at any time call a special meeting thereof for the transaction of any business specified in the written requisition and notice made and given for that purpose. ^{Special general meetings}

9. At all general meetings of the shareholders of the company the president or in his absence the vice president or in the absence of both of them a director chosen by the shareholders shall preside who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder. ^{Procedure at general meeting}

(2) Each shareholder shall be entitled to cast one vote for every share held by him for not less than fourteen days prior to the time of voting and upon which all calls then due have been paid; such votes may be given either in person or by proxy but the holder of such proxy must be a shareholder. ^{Shareholders right to vote}

(3) All questions proposed for the consideration of the shareholders shall be determined by the majority of votes. ^{Questions determined}

10. Any person or persons or body corporate or politic may subscribe for shares in the capital stock of the said company except when prohibited by law from so doing. ^{Who may subscribe for shares}

11. The stock, property and affairs of the company shall be managed and conducted by a board of directors which shall consist of duly qualified shareholders (not less than five nor more than nine as may be provided by the bylaws) who shall be elected each year; such election to be by ballot and the requisite number of persons receiving the greatest number of votes at such an election shall be the directors for the ensuing year; a retiring director shall be eligible for reelection. ^{Directors Number Election}

Provided if two or more persons receive an equal number of votes in such a manner that a greater number of persons shall appear to be chosen as directors than are required to constitute the board then the directors who shall have received the greater number of votes or the majority of them shall determine which of the said persons so receiving an equal ^{Proviso}

number of votes shall be the director or directors to complete the board.

Qualification (2) No person shall be eligible to be or continue as a director unless he shall hold in his own name stock in the company to the amount of ten shares on which not less than ten per cent. shall have been paid and shall not be indebted in any manner to the company.

President and officers elected (3) The directors shall as soon as may be after their election and from time to time as circumstances may require elect from among themselves by ballot a president, vice president, secretary, treasurer and such other officers as they may deem advisable of the company who shall hold office until their successors have been elected in like manner; the president, vice president or any director may be appointed manager or managing director of the company.

Vacancy in directorate (4) Any vacancies happening among the directors by death, resignation or disqualification during their term of office shall be filled for the remainder of the term by the remaining directors or the majority of them electing in place of such director or directors a shareholder or shareholders eligible for election as director.

Meetings (5) The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business; and all questions before them shall be decided by a majority of votes each director present having one vote and in case of a tie the chairman of the meeting shall have a second or casting vote.

Case of failure to elect directors at usual times 12. In case it should at any time happen that an election of directors of the said company should not be made on any day when it should have been made under the provisions of this Act the said company shall not thereby be or be deemed to have been dissolved but the directors in office shall so continue until their successors have been duly elected.

Powers of directors 13. Subject to the provisions of this Act the directors shall have full power and authority to make and from time to time to alter such bylaws, rules, regulations and ordinances as shall appear to them proper or needful touching the well ordering of the business of the company, the management and disposition of its stock, property, estate and effects and in all things to administer the affairs of the company and make or cause to be made for the new company all contracts into which by law the company can enter; and may from time to time make bylaws regulating the allotment of stock and making of calls thereon, the payment thereof, the issue and registration of stock certificates, the forfeiture of stock for nonpayment, the disposal of such forfeited stock and

the proceeds thereof, the transfer of stock, the declaring and paying of dividends, the number of directors, the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them, their remuneration and that if any of the directors, the executive officers and manager of the company, the payment of commission on subscriptions obtained for stock, the time and place of annual meetings of the company, the calling of meetings of the board or committee of directors, the meetings of the company regular and special, the quorum at meetings of the directors and of the company, the requirements as to proxies, the procedure in all things at meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the company; and may from time to time repeal, amend or reenact the same:

Remuneration of officers, president and manager

Provided always that all such bylaws made by the directors as aforesaid shall only be valid and binding until the said annual general meeting of shareholders unless they are then approved of by such meeting and shall thereafter have force and effect as so approved or modified at such meeting until amended or altered:

Provided also that no dividend shall be declared or paid except out of the net profit arising from the business of the new company.

14. The company shall cause a book or books to be kept by the secretary or by some other officer especially charged with that duty wherein shall be recorded:

Books to be kept

- (a) The names alphabetically arranged of all persons who are or have been shareholders;
- (b) The address and calling of every such person while such shareholders;
- (c) The number of shares of stock held by each shareholder;
- (d) The amount paid in and remaining unpaid respectively on the stock of each shareholder;
- (e) All transfers of such stock in their order as presented to the new company for entry with the date and other particulars of such transfer and the date of the entry thereof; and
- (f) The names, addresses and callings of all persons who are or have been directors of the new company with the several dates at which each became or ceased to be such director.

15. The directors may from time to time make such calls as they think fit upon the shareholders in respect of all moneys unpaid on their shares in the company; such calls shall

Calls on stock

be payable at such times and places and in such payments or instalments as the directors may appoint:

Provided that without the consent of all the shareholders affected thereby no call shall exceed ten per cent. and that not less than thirty days notice of any calls shall be given; and trustees, executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and are hereby respectively indemnified for paying the same.

(2) Such a call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed; and if any call payable in respect of any share is not paid on or before the day appointed for the payment thereof the holder for the time being of such share shall be liable to pay interest for the same from the day appointed for the payment thereof to the time of the actual payment.

(3) The directors may if they think fit receive from any shareholder wishing to pay the same all or any part of the amount remaining unpaid upon any share or shares held by him beyond the sum actually called for and pay dividends in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

**Forfeiture
of shares**

16. If any shareholder shall refuse or neglect to pay any call made upon the share or shares held by him for sixty days after the same shall become payable the board of directors may by resolution declare such share or shares and all amounts previously paid thereon to be forfeited to the said company and the same shall thereupon become so forfeited to the company and may be sold by the directors:

Provided always that in case the money realised from any such sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale the surplus of such money shall be paid on demand to the former shareholder and no more shares shall be sold than shall be necessary to pay all arrears due by said shareholder with interest and expenses of sale:

Provided that in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrears amount to for such and so many shares whereby an action has accrued to the company by virtue of this Act and on the trial in order to establish a *prima facie* case it shall only be necessary to prove that the defendant was owner of the said shares in the company, that said calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any other matter whatsoever than by this section specially required; and any copy or extract of any bylaw, rule, regulation or minute or of any entry in

any book of the company certified to be a true copy or extract under the hand of the president or vice president, the manager or secretary of the company and sealed with the corporate seal thereof shall be received in all courts and proceedings as *prima facie* evidence of such bylaw, rule, regulation, minute or entry without any further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

17. If payment of such arrears, calls, interest and expenses be made before any share so forfeited shall have been sold such share shall revert to the owner as if the same had been duly paid before the forfeiture thereof. Redemption of shares before sale

18. A certificate under the common seal of the company specifying any share or shares held by any shareholder of the company shall be *prima facie* evidence of the title of the shareholder to the share or shares specified. Evidence of title of shares

19. No transfer of any share of the capital stock of the said company shall be valid until entered in the books of the company according to such form as may be from time to time fixed by the bylaws: Transfer of shares

Provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon due up to the time of transfer shall have been paid.

20. Every shareholder shall until the whole amount of his stock has been paid up be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to any action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part and the amount due on such execution shall be the amount recoverable with costs from such shareholder: Liability of shareholders

Provided that any shareholder may plead by way of defence in whole or in part any set off which he could set up against the company except the claim for unpaid dividends or salary or allowance as a president or director.

21. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof. Limited to amount of stock

Company
not bound
to see
to execution
of trusts
affecting
shares

22. The company or its directors shall not be bound to see to the execution of any trust either express, implied or constructive affecting any share or shares of its stock; and notwithstanding any such trust or any notice thereof to the new company or its directors the receipt of the person in whose name any share stands shall be sufficient discharge to the company for any money paid in respect to such share or shares.

Trustees,
etc.

23. No person holding shares, stock or other interest in the company as executor, administrator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward or other person interested in the trust fund would be if living and competent to act and holding such shares, stock or other interest in his own name.

Trustees
may act as
shareholders

24. Every such administrator, executor, guardian or trustee shall represent the stock in his possession at all meetings of the company and may vote as a shareholder; and every person who pledges his stock may notwithstanding such pledge represent the said stock at all such meetings and vote as a shareholder.

Nonpersonal
liability of
mortgagees
or pledgees
of shares

25. No person holding shares, stock or other interest in the company as collateral security shall be personally subject to liability as a shareholder; but the person pledging such share, stock or other interest as such collateral security shall be considered as holding same and shall be liable as a shareholder in respect thereof.

Powers of
company

26. The company shall have power to make and effect contracts of insurance with any person or persons or bodies politic or corporate against any loss or damage by fire or lightning in or to any houses, stores, factories, mills or other buildings whatsoever and in or to any shipping or vessels whatsoever or whithersoever proceeding against loss or damage by fire and in like manner to any goods, chattels or personal estate whatsoever for such time or times and for such premiums or considerations and under such modifications or restrictions and upon such conditions as may be bargained or agreed upon and set forth by and between the company and the person or persons insured or to be insured; and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of the business and likewise the reinsurance of the risks of other companies and generally to do and perform all other necessary matters and things connected with and proper to promote the objects for which the said company is incorporated; and all policies or contracts issued or entered into by the said company shall be under the seal of the

said company and shall be signed by the president or vice president and countersigned by the manager or otherwise as may be directed by the bylaws, rules and regulations of the company and being so sealed, signed and countersigned shall be deemed valid and binding upon the company according to the tenor and meaning thereof.

(2) The said company shall in like manner have power and authority to make and effect contracts of insurance against all accidents or casualties of whatsoever nature and from whatsoever cause arising whereby the insured or his property may suffer loss, damage or injury or be disabled or whereby any growing crops of the insured may be damaged or destroyed or in the case of the death of any person insured from any accident to secure to his representative the payment of a sum of money; to insure and guarantee the safe transit and delivery of any money, goods, chattels or effects and to guarantee the fidelity of persons in positions of trust, the due performance of their duties and against any liabilities they may incur in connection therewith:

Provided however that the powers granted under this subsection shall be subject to the provisions of *The Hail Insurance Ordinance* or any Act which may be passed in amendment thereto or in substitution therefor.

27. Every contract, engagement, agreement or bargain made and every bill of exchange drawn, accepted or indorsed and every promissory note and cheque made, drawn or indorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the bylaws of the company shall be binding upon the company and in no case will it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any bylaw or special vote or order; and the person so acting as agent, officer or servant of the company shall not be thereby subjected individually to any liability whatsoever to any third person therefor.

Contracts
when
binding on
company

28. If authorised by bylaw sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting of the shareholders duly called for considering the bylaw the directors may from time to time:

Borrowing
powers

- (a) Borrow money upon the credit of the company;
- (b) Limit or increase the amount to be borrowed;
- (c) Issue bonds, debentures or other securities of the company for sums not less than one hundred dollars

each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(d) Hypothecate, mortgage or pledge the real or personal property of the company or both to secure any such bond, debenture or other securities and any money borrowed for the purposes of the company.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the company on bills of exchange or promissory notes made, drawn, accepted or indorsed by or on behalf of the company.

Realty

29. The company shall have power to acquire and hold real estate for the purpose of its business within this province of an annual value not exceeding \$20,000 and to sell and dispose of the same and acquire other property in its place as may be deemed expedient and further to take hold and acquire all such lands and tenements, real or personal estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business or purchased at sales upon judgments which shall have been obtained for such debts or purchased for the purpose of avoiding a loss to the company in respect thereof or to the owner thereof and to retain the same for a period not exceeding five years from the acquisition thereof; and the company may invest its funds or any part thereof in any of the public securities of the Dominion of Canada or any of the provinces thereof or in the stocks of any banks or in the bonds and debentures of any incorporated city, town or municipality authorised to issue bonds or debentures or in any mortgages or loans upon real estate or in real estate.

Investments

Amalgamation

30. The company shall have power to amalgamate with or purchase the business of any other insurance company or to sell out or dispose of the business of the company to any other such company upon such terms and conditions as may be agreed upon and as shall not impair the resources or remedy of any creditor or policy holder of either company to the transaction; but before the completion of any such amalgamation, purchase or sale the same must be approved or by two-thirds of the votes of the shareholders at an annual general meeting or of a special general meeting called for the purpose.

Auditors

31. One or more auditors shall be appointed by the shareholders at each annual general meeting whose report shall be embodied in the general statement of the affairs of the company submitted to the shareholders by the directors as provided in section 7.

32. This Act and the company hereby incorporated and the exercise of the powers hereby conferred shall be subject to any general laws in force or that may hereafter be in force in the province respecting insurance companies. Company subject to general insurance laws

33. The company shall furnish all such returns as may be called for from time to time by the provincial secretary. Returns

34. The company shall have the power to purchase and take over all the business, assets, contracts, rights, effects and properties real and personal of whatever kind and wheresoever situated belonging to or vested in the Hudson Bay Insurance Company, Limited, or to which it is or may be or may become entitled and to assume, pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of said last mentioned company upon such terms and conditions as may be agreed upon, including therein the right of the directors of the first mentioned company to allot shares in said company to the shareholders of the Hudson Bay Insurance Company, Limited, and to receive and to accept as sufficient payment of said shares so allotted or of the calls made upon the same, the transfer to the company by this Act incorporated of all the right, title and interest of said shareholder or shareholders of, in and to the said Hudson Bay Insurance Company, Limited, and of, in and to his or their share or shares in the same or such portion thereof as may be agreed upon which said last mentioned company was incorporated by letters patent dated the thirtieth day of August, A.D. 1905, under and by virtue of *The Companies Ordinance* of the North-West Territories of 1901 with head office at said city of Moose Jaw. Power to purchase assets, etc. Hudson Bay Insurance Company, Limited

35. This Act shall come into force and effect on the day the same is assented to. When Act to take effect

1908

CHAPTER 51.

An Act to Incorporate The Saskatchewan
Guarantee and Fidelity Company.

[Assented to June 12, 1908.]

Preamble

HEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation

Corporate name

1. Ernest Absalom McCallum of the city of Regina in the province of Saskatchewan, financial agent, Walter Hamilton Alexander Hill, of the same place, financial agent, Edgar Donald McCallum, of the same place, financial agent, Alexander Ross of the city of Regina aforesaid, barrister, and Charles Gordon Culbert of the same place, chemist, together with all such persons as become shareholders in the company are incorporated under the name of "The Saskatchewan Guarantee and Fidelity Company" herein called "the company."

Provisional directors

2. The persons named in section 1 of this Act shall be the provisional directors of the said company a majority of whom shall be a quorum for the transaction of business; and they or a majority of them may cause stock books to be opened and procure subscriptions for the undertaking and receive from the persons so subscribing ten per cent. of the amount of the stock subscribed and deposit the amounts so received in a chartered bank or banks and may withdraw the same for the purposes of the company only; and may do generally whatever is necessary for the purposes of the company until such time as the directors are elected as hereinafter provided when the powers and functions of the provisional directors shall cease and determine.

Capital stock

3. The capital stock of the said company shall be two hundred and fifty thousand dollars divided into two thousand five hundred shares of one hundred dollars each.

Increase of capital stock

(2) The directors may by bylaw from time to time after the whole capital stock has been subscribed and twenty-five

per cent. thereof paid in cash increase the capital stock to an amount not exceeding one million dollars; but the stock shall not be so increased until such bylaw has been submitted to and approved of by a two-thirds majority of the shareholders present or represented by proxy at any general meeting of the company called for that purpose.

4. The head office of the said company shall be at the ^{Head office} city of Regina in the province of Saskatchewan or at such other place in the said province as the directors may by bylaw determine.

5. So soon as one hundred thousand dollars of the capital stock have been subscribed and ten per centum of that amount ^{First general meeting} has been paid in the provisional directors shall call a general meeting of the shareholders at a place to be named in the city of Regina by addressing a notice of such meeting at ^{Notice of meeting} least ten days before the date thereof to each shareholder at the address given by each of such shareholders when subscribing for such stock at which meeting the shareholders present or represented by proxy who have paid at least ten per centum on the amount of stock subscribed for by them shall elect a board of not less than five and not more than ^{Election of officers} twelve directors who shall hold office until their successors are elected.

6. No person shall be eligible to be or continue as a ^{Qualification} director unless he shall hold in his own name stock in the company to the amount of twenty-five shares on which not less than ten per centum shall have been paid and unless he shall be free from indebtedness to the company.

7. The company shall not commence the business of accident, sickness and guarantee insurance as provided for by the Act until at least one hundred thousand dollars of the capital stock shall have been subscribed and ten per cent. paid in thereon and the company has deposited with the provincial treasurer five thousand dollars in cash or approved securities to that amount. ^{Commencement of business}

8. The shares of the capital stock subscribed for shall ^{Calls on stock} after the first payment of ten per centum thereon be paid in such instalments and at such times and places as the directors may appoint:

Provided however that no instalment shall exceed ten per cent. of the amount subscribed and not less than thirty days notice of each call shall be given to each shareholder.

9. Subject to the provisions of this Act the directors shall ^{Powers of directors} have the general management and conduct of the stock, business, property, affairs and concerns of the company and shall

have full power and authority to make and enter into or cause to be made and entered into any contract on behalf of the company which the company can make; and to make and from time to time alter, amend and repeal such bylaws, rules and regulations as shall be necessary for the management and conduct of the business and for the disposition of its stock, property and effects and the making of calls thereon, the payment thereof, the issue and registration of stock certificates, the forfeiture of stock for nonpayment of calls, disposal of such forfeited stock and moneys paid thereon, the transfer of stock, the declaring of dividends, the appointment, functions and duties and the removal of officers, agents and servants of the company, the security to be given by and the remuneration of such officers, agents and servants, the time and place of the annual meeting of the company and of the meetings of the board and of the company to be held and the calling thereof and the procedure thereat, the requirements as to proxies and all other matters affecting or relating to the general management and conduct of the business and affairs of the company.

Election of directors

10. Such board of directors shall be elected at the annual meeting of the company which election shall be by ballot and all shareholders qualified as hereinbefore provided receiving a clear majority of votes cast on the first or any subsequent ballot shall be and be declared elected and shall constitute the board of directors for the ensuing year and until their successors are elected; such board shall consist of not less than five or more than twelve members.

Officers

11. The board shall within ten days after such election meet and elect by ballot from among their number a president and a vice president who shall hold office for the ensuing year and until their successors are elected.

Vacancies in board of directors

(2) Any vacancy which may occur in the board or in the offices of president and vice president by reason of the death, resignation or disqualification of any director shall be filled by the board which shall elect from among the shareholders qualified to act as directors a shareholder or shareholders to fill such vacancy or vacancies; and such director so elected to fill such vacancy or vacancies shall hold office until the next annual meeting or until a successor or successors be elected.

Quorum of directors

(3) A majority of the board shall constitute a quorum at any meeting thereof.

Annual meeting

12. A general meeting of the company shall be called at its head office in each year after the company commences business at such time as the directors may determine and at such meeting a statement of the affairs of the company shall

be presented by the board of directors and a board of directors for the ensuing year shall be elected as hereinbefore provided.

13. Special general meetings of the company may be called at any time by the board of directors or by requisition of any three of such directors or of any twenty-five shareholders; and the notice calling such meeting shall state the purpose for which it is called and no business other than that stated in such notice shall be considered at any such special meeting. Special meetings of company

14. Notice of the annual or of any special general meeting of the company shall be sufficiently given by mailing at least ten days before the date of meeting a notice thereof to each of the shareholders at the address of such shareholders as given on the books of the company. Notice of meeting

15. Every shareholder shall be entitled to cast one vote for every share held by him on which all calls then due have been paid and such votes may be given by proxy but the holder of such proxy must be a shareholder. Votes of shareholders

16. In the event of the property and assets of the company being insufficient to liquidate its debts and liabilities the shareholders shall be liable for such debts and liabilities to the extent of the amount then remaining unpaid on their respective shares but for no greater amount: Liability of shareholders

Provided however that no action may be brought against any shareholder in respect of any debt or liability of the company until executions against the goods and lands of the company have been returned unsatisfied in whole or in part: Actions against shareholders

Provided further that any shareholder may plead by way of defence to any such action any defence or set off which he could plead to set up against the company except in respect of unpaid dividends or salary or allowances due such shareholder as an officer or director of the company. Defence in actions against shareholders

17. If any shareholder shall refuse or neglect to pay the call or calls due upon any shares held by him the directors may declare the said shares and all moneys paid thereon forfeited in such manner as the bylaws may provide. Forfeiture of shares

18. The company or the directors shall not be bound to see to the execution of any trust express, implied or constructive affecting any of the shares; and notwithstanding any such trust or notice thereof to the company or directors the receipt, discharge or release by the person or persons in whose name the said shares may stand on the books of the said company shall be sufficient discharge to the company in respect of any liability in respect of any such shares. Company not bound to see to execution of trusts

Powers of
company
guarantee

19. The company may make and effect contracts guaranteeing the fidelity of persons filling or about to fill positions of trust or confidence and the due performance and discharge by such persons of all or any of the duties or obligations imposed on them by contract or the terms or nature of their employment or otherwise and guaranteeing the due performance and observance by any persons of any or all of the obligations imposed or about to be imposed upon such persons by any contract and guaranteeing that any person seeking to enter into any such contract will if required execute and complete said contract and guaranteeing the fidelity and due performance and discharge by receivers, official and other liquidators, assignees, committees, guardians, executors, administrators, trustees, attorneys, brokers, grain dealers and agents of their respective duties and obligations and guaranteeing to any employer or employers the fidelity and the due performance of their respective duties of any or all of the employees of such employer or employers and guaranteeing the due observance and performance of any duty imposed on any person or persons under any Statute of the Parliament of Canada or the Legislative Assembly of any province or under any rule of court or the order of any court or judge and guaranteeing the payment of moneys secured by or payable under or in respect of debentures, bonds, debenture stock, contracts, mortgages, charges, obligations and securities of any company or corporation or of any authority whether corporate or unincorporate and guaranteeing persons filling or about to secure situations of trust or confidence against liability in connection therewith and particularly against liabilities resulting from the misconduct of any cotrustee, coagent, subagent or any person and generally to enter into such contracts as are necessary and usual for carrying on and transacting every kind of guarantee business and every kind of indemnity business and counter guarantee and counter indemnity business.

Plate glass
insurance

(2) The said company may also make and enter into contracts for the insurance and reinsurance against loss or damage by breaking and otherwise to plate or other glass wherever the same may be situated or placed.

Company
may act as
trustee, etc.

(3) And the said Company may also take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them with their consent upon any trust or trusts whatsoever (not contrary to law) at any time or times by any person or persons, body or bodies corporate or by any court in the province; take and receive on deposit upon such terms and for such remuneration as may be agreed upon, deeds, wills and policies of insurance, bonds, debentures, or other valuable papers or securities for money, jewelry, plate or other chattel

property of any kind and to guarantee the safe keeping of the same; act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money; act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association or corporation, municipal or other; receive, invest and manage any sinking fund therefor on such terms as may be agreed upon; accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any law of the province and of guardian of any minor's estate or committee of any lunatic's estate; to accept the duty and act generally in the winding up of estates, partnerships, companies and corporations; guarantee any investments made by them as agents or otherwise; make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company and to promote the objects and business of the said company; and for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

(4) And the said company may receive money, security or valuables of all kinds on deposit for safe custody and generally carry on the business of a safe deposit company.

(5) And the said company may accumulate capital for any of the purposes of the company or appropriate any of the company's assets to a special purpose either conditionally or unconditionally; and may borrow such sum or sums of money as to the directors shall from time to time seem needful or expedient upon the security of the real or personal property of the said company; and may issue bonds and debentures to secure the repayment of such sum or sums of money so borrowed which said bonds or debentures shall be a first charge upon the assets of the company and may invest ^{Investment} the funds of the said company as the directors may see fit.

20. The company shall have power to invest all moneys ^{Investment} which it may receive or have for investment as executor, ^{of trust funds} administrator or trustee upon such securities and in the manner provided by *The Trustee Ordinance*.

21. The company shall have power to lease, acquire and ^{Real} hold real estate for the purpose and the accommodation of its ^{estate} business within the province of a value not exceeding twenty thousand dollars and to sell and dispose of the same and to acquire other property in its place as may be deemed expedient and to take, hold and acquire all such real and

personal estate as shall have been mortgaged to it by way of security under the provisions hereinbefore contained or conveyed to it in satisfaction of debts previously contracted in the course of its business.

Recovery
of debts

22. The said company may do all acts, matters or things that may be necessary for recovering and obtaining repayment of any moneys loaned by the said company upon any of the securities aforesaid and for insuring payment of all interest accruing thereon or any conditions attached to such advances or any forfeiture consequent upon nonpayment thereof; and may execute all necessary and proper receipts, acquittances and discharges for the same and execute all releases and do all acts or payments whatsoever requisite and expedient to be done and exercised in relation to the same.

Deposit to
be made
with
provincial
treasurer

23. The said company shall forthwith after the passing of this Act deposit with the provincial treasurer the sum of five thousand dollars which said sum shall be held for the benefit of the policy holders of the said company in Saskatchewan so long as any policies of the said company are outstanding within the said province.

Annual
reports to
shareholders

24. The directors shall cause to be prepared and submitted to the shareholders of each annual general meeting a full and correct statement of the accounts of the company, a general abstract of the estimated liabilities and assets of the company and a list of shareholders showing the amount of stock held and the amount unpaid thereon respectively.

Auditors

25. One or more auditors shall be appointed by the shareholders at each annual general meeting whose report shall be embodied in the general statement of the affairs of the company submitted to the shareholders as provided in the next preceding section.

Returns

26. The company shall furnish all such returns as may be called for from time to time by the provincial secretary.

1908

CHAPTER 52.

An Act to incorporate the National Fire Assurance Company.

[Assented to June 12, 1908.]

WHEREAS Armstrong Dean, James Robinson Cathcart ^{Preamble} and Percival C. Dean, all of the city of Regina, in the province of Saskatchewan, Paul B. Giles and Charles Buxton, both of the town of Yellowgrass in the said province, have petitioned that they may be incorporated under the name of the "National Fire Assurance Company," for the purposes herein contained;

And whereas it is expedient to grant the prayer of the said petitioners;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The persons hereinbefore named and all such persons ^{incorporation name, objects} as shall become shareholders of the said company shall be and are hereby constituted and declared to be a body corporate and politic in law and in fact under the name and style of the "National Fire Assurance Company," for effecting insurance against losses by fire, lightning, accidents and casualties and doing all things appertaining thereto or connected therewith and as such to have perpetual succession with a corporate seal and power from time to time to make, alter, break or change the same and shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in any court of law or equity.

2. The capital stock of the said company shall be two ^{Capital stock} hundred and fifty thousand dollars divided into twenty-five hundred shares of one hundred dollars each:

Provided that the company may increase its capital stock from time to time to an amount not exceeding \$500,000 by resolution of the directors sanctioned by a two-thirds vote of a general meeting of shareholders duly called for that purpose and by filing with the registrar of joint stock companies a certified copy of such resolution accompanied by such fees as would be required to be paid for the increase of the capital of a company under *The Companies Ordinance*.

Chief place
of business

3. The chief place of business of the said company shall be in the city of Regina in the province of Saskatchewan but may be changed from time to time to such other place in the province as may be designated by bylaw:

Provided however that such bylaw shall be of no effect until it shall have been duly passed by the board of directors and approved of by the shareholders at an annual general meeting or a special general meeting to be expressly convened for that purpose notice thereof being subsequently given in two consecutive issues of *The Saskatchewan Gazette*.

Provisional
directors

4. For the purpose of organising the said company the persons named in the preamble to this Act shall be the provisional directors thereof; and they or a majority of them may cause stock books to be opened at the chief place of business of the company and elsewhere at the discretion of the said provisional directors which shall remain open as long as they may deem necessary; and the provisional directors are hereby authorised to receive from the shareholders a deposit of at least ten per cent. on the amount of the stock subscribed by them respectively and to pay all costs and expenses incurred in the application for and obtaining this Act of incorporation; brokerage on stock and other necessary expenses in connection with the organisation of the company; so soon as the directors shall have been elected as hereinafter provided the powers and functions of the provisional directors shall cease and determine.

First
general
meeting

5. When one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid and ten per cent. of the amount so subscribed paid in the provisional directors may call a general meeting of the shareholders at the chief place of business of the company giving fourteen days' notice of the time and place where such meeting is to be held in some newspaper published in the city of Regina and by sending to each shareholder a copy of said notice by letter at which general meeting the shareholder present in person or represented by proxy shall elect in the manner hereinafter provided a board of directors composed of not less than five nor more than nine duly qualified shareholders who shall hold office until their successors are elected and it shall not be lawful for the said company to commence the business of insurance until at least one hundred thousand dollars of its capital stock shall have been subscribed and ten per cent. of the amount so subscribed paid in and a board of directors elected as aforesaid.

Election of
board of
directors

Commence-
ment of
business

Deposit to
be made
with
provincial
treasurer

6. The said company shall before commencing the business of insurance deposit with the provincial treasurer the sum of five thousand dollars and such deposit may be made by the company in cash or in securities of the Dominion of Canada

or in securities issued by or guaranteed by any of the provinces of Canada or in municipal or school bonds or debentures or by deposit receipts issued by any chartered bank in Canada, which said sum shall be held for the benefit of the policy holders of the said company in the said province of Saskatchewan so long as any policies of the said company are outstanding within the said province.

7. The shares of capital stock of the said company ^{Calls on stock} subscribed for shall be paid in by such instalments and at such times and places as the directors shall appoint:

Provided no such instalment shall exceed ten per cent. and not less than sixty days' notice of any calls upon stock shall be given.

8. If any shareholder shall refuse or neglect to pay any call made upon the share or shares held by him for sixty days after the same shall become payable the board of directors may by resolution declare such share or shares and all amounts previously paid thereon to be forfeited to the said company and the same shall thereupon become so forfeited and may be sold by the directors: ^{Forfeiture of shares}

Provided always that in case the money realised from any such sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale the surplus of such money shall be paid on demand to the former shareholder and no more shares shall be sold than shall be necessary to pay all arrears due by said shareholder with interest and expenses of sale; provided that in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sums of money as the calls in arrears amount to for such and so many shares whereby an action has accrued to the company by virtue of this Act, and on the trial in order to establish a *prima facie* case it shall only be necessary to prove that the defendant was owner of the said shares in the company, that said calls were made and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls or any other matter whatsoever than by this section specially required; and any copy or extract of any bylaw, rule, regulation or minute or of any entry in any book of the company certified to be a true copy or extract under the hand of the president or vice president, the manager or secretary of the company and sealed with the corporate seal thereof shall be received in all courts and proceedings as *prima facie* evidence of such bylaw, rule, regulation, minute or entry without any further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

**Redemption
of share
before sale**

9. If payment of such arrears, calls, interest and expenses be made before any share so forfeited shall have been sold such share shall revert to the owner as if the same had been duly paid before the forfeiture thereof.

**Transfer
of shares**

10. No transfer of any share of the capital stock of the said company shall be valid until entered in the books of the company according to such form as may be from time to time fixed by the bylaws; and until the whole of the subscribed stock of the company is paid up it shall be necessary to obtain the consent of the directors for the time being to such transfer being made:

Provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon due up to the time of transfer shall have been paid.

**Liability of
shareholders**

11. In the event of the property and assets of the said company being insufficient to liquidate its debts, liabilities and engagements the shareholders shall be liable for the deficiency but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

**Annual
general
meetings**

12. The annual general meeting of shareholders of the company shall be held at the chief place of business of the company on such day and at such hour as may be appointed by bylaw thirty days' notice of such meeting being given in some newspaper published at or as near as may be to the said chief place of business or in such other manner as may be provided by the bylaws of the company.

**Special
general
meetings**

13. Special general meetings of the shareholders may be called in such manner as may be provided by the bylaws and by giving not less than fourteen days' notice.

**Procedure
at general
meetings**

14. At all general meetings of the shareholders of the company the president or in his absence the vice president or in the absence of both of them a director chosen by the shareholders shall preside who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

(2) Each shareholder shall be entitled to cast one vote for every share held by him for not less than fourteen days prior to the time of voting and upon which all calls then due shall have been paid; such votes may be given either in person or by proxy but the holder of such proxy must be a shareholder.

(3) All questions proposed for the consideration of the ^{Questions} shareholders shall be determined by the majority of votes. _{determined}

15. The stock, property and affairs of the company shall ^{Directors} be managed and conducted by a board of directors which shall consist of duly qualified shareholders (not less than five nor more than nine as may be provided by the bylaws) who shall be elected at the annual general meeting of the shareholders ^{Number} each year; such election to be by ballot and the requisite number of persons receiving the greatest number of votes at ^{Election} such an election shall be the directors for the ensuing year:

Provided if two or more persons receive an equal number of votes in such a manner that a greater number of persons shall appear to be chosen as directors than are required to constitute the board then the chairman of the meeting shall determine which of the said persons so receiving an equal number of votes shall be the director or directors to complete the board.

(2) No person shall be eligible to be or continue as a ^{Qualifica-} director unless he shall hold in his own name stock in the _{tion} company to the amount of fifteen shares on which not less than ten per cent. shall have been paid and unless all calls on such stock shall have been paid and if he is indebted in any manner to the company.

(3) The directors shall as soon as may be after their elec- ^{President, .} tion and from time to time as circumstances may require _{vice president elected} elect from among themselves by ballot a president, a vice president, a secretary and treasurer of the company who shall hold office until their successors shall have been elected in like manner; the president, vice president or any director may be ^{Manager or} appointed manager or managing director of the company. _{managing director}

(4) Any vacancy happening among the directors by death, resignation or disqualification during their term of office ^{Vacancy in} shall be filled for the remainder of the term by the remaining _{directorate} directors or the majority of them electing in place of such director or directors a shareholder or shareholders eligible for election as directors.

(5) At all meetings of directors a majority of the full ^{Quorum} number of directors of the company shall be a quorum for the transaction of business and all questions before them shall be decided by a majority of votes each director present having one vote and in the case of a tie the chairman of the meeting shall in addition to his own vote give the casting vote.

16. In case it should at any time happen that an election ^{Case of} of directors of the said company should not be made on any _{election of directors} day when it should have been made under the provisions of ^{not taking} the Act the said company shall not thereby be or be deemed _{place at} to have been dissolved but the directors in office shall so ^{usual time} continue until their successors shall have been duly elected.

Powers of directors

17. Subject to the provisions of this Act the directors shall have full power and authority to make and from time to time to alter such bylaws, rules, regulations and ordinances as shall appear to them proper or needful touching the well ordering of the business of the company, the management and disposition of its stock, property, estate and effects and in all things to administer the affairs of the company and make or cause to be made for the company all contracts into which by law the company can enter; and may from time to time make bylaws regulating the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of stock certificates, the forfeiture of stock for nonpayment, the disposal of such forfeited stock and the proceeds thereof, the transfer of stock, the paying and declaring of dividends, the number and term of service of directors; the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them; their remuneration and that, if any, of the directors, the time and place of annual meetings of the company; the calling of meetings of the board or of committee of directors and meetings of the company, the requirements as to proxies, the procedure in all things at meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the company; and may from time to time repeal, amend or reenact the same:

Provided always that all such bylaws made by the directors as aforesaid shall only be valid and binding until the next annual general meeting of shareholders unless they are then approved by such meeting and shall thereafter have force and effect as so approved or modified at such meeting until amended or altered.

Powers of company

18. The company shall have power to make and effect contracts of insurance with any person or persons or bodies politic or corporate against any loss or damage by fire or lightning on any houses, stores or other buildings whatsoever and on any shipping or vessels whatsoever or whithersoever proceeding against loss or damage by fire and in like manner on any goods, chattels or personal estate whatsoever for such time or times and for such premiums or considerations and under such modifications or restrictions and upon such conditions as may be bargained or agreed upon or set forth by and between the company and the person or persons insured or to be insured; and to cause themselves to be reinsured against any loss or risk that they may have incurred in the course of the business; and generally to do and perform all other necessary matters and things connected with and proper to promote the objects for which said company is incorporated; and all policies or contracts issued or entered into by said company shall be under the seal of the said company and

shall be signed by the president or vice president and countersigned by the manager or secretary or otherwise as may be directed by the bylaws, rules and regulations of the company and being so sealed, signed and countersigned shall be deemed valid and binding upon the company according to the tenor and meaning thereof.

(2) The said company shall in like manner have power and authority to make and effect contracts of insurance against all accidents or casualties of whatsoever nature and from whatsoever cause arising whereby the insured or his property may suffer loss, damage or injury or be disabled or in the case of the death of any person insured from any accident to secure to his representative the payment of a sum of money; and to insure and guarantee the safe transit and delivery of any money, goods, chattels or effects.

19. The company shall have power to acquire and hold ^{Realty} real estate for the purpose of its business within this province of an annual value not exceeding five thousand dollars and to sell and dispose of the same and acquire other property in its place as may be deemed expedient and further to take, hold and acquire all such lands and tenements, real or personal estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business or purchased at sales upon judgment which shall have been obtained for such debts or purchased for the purpose of avoiding a loss to the company in respect thereof, or of the owner thereof, and to retain the same for a period not exceeding five years from the acquisition thereof; and the company may invest its funds or any part thereof in any of the public securities of the Dominion of Canada or any of the provinces thereof or in the stocks of any bank or in the bonds or debentures of any incorporated city, town, municipality or school district authorised to issue bonds or debentures or in any mortgages or loans upon real estate or in real estate.

20. The company shall have power to amalgamate with or ^{Amalgama-} purchase the business of any other insurance company or to sell out and dispose of the business of the company to any other such company upon such terms and conditions as may be agreed upon and as shall not impair the resource or remedy of any creditor or policy holder of the company but before the completion of any such amalgamation, purchase or sale the same must be approved of by a two-thirds vote of the shareholders at an annual general meeting or a special meeting called for the purpose.

21. The directors shall cause to be prepared and submitted ^{Annual reports to shareholders} to the shareholders at each annual general meeting a full and correct statement of the accounts of the company, a general

abstract of the estimated liabilities and assets of the company and a list of shareholders showing the amount of stock held and the amount unpaid thereon respectively.

Auditors

22. One or more auditors shall be appointed by the shareholders at each annual general meeting whose report shall be embodied in the general statement of affairs of the company submitted to the shareholders as provided in the next preceding section.

**Company
subject to
general
insurance
laws**

23. This Act and the company hereby incorporated and the exercise of the powers hereby conferred shall be subject to any general laws in force or that may hereafter be in force in the province respecting insurance companies.

Returns

24. The company shall furnish all such returns as may be called for from time to time by the provincial secretary.

1908

CHAPTER 53.

An Act to incorporate The Canada National Insurance Company.

[Assented to June 12, 1908.]

WHEREAS J. H. C. Willoughby, M. Isbister, D. W. Beaubier, H. E. Meilicke, W. A. Coulthard, James Straton have presented a petition praying for the incorporation of The Canada National Insurance Company;

And whereas it is expedient to grant the prayer of the said petitioners;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The persons hereinbefore named and all such persons as shall become shareholders of the said company shall be and are hereby constituted and declared to be a body corporate and politic in law and in fact under the name and style of "The Canada National Insurance Company" for effecting insurance against losses by fire, lightning, hailstorms, accidents and casualties and doing all things appertaining thereto or connected therewith and as such to have perpetual succession with a corporate seal and power from time to time to make, alter, break or change the same and shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in any court of law or equity.

2. The capital stock of the said company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each.

3. The chief place of business of the said company shall be in the city of Saskatoon in the province of Saskatchewan but may be changed from time to time to such other place in the said province as may be designated by bylaw:

Provided however that such bylaw shall be of no effect until it shall have been duly passed by the board of directors and approved of by the shareholders at an annual general meeting or a special general meeting to be expressly convened for that purpose, notice thereof being subsequently given in two consecutive issues of *The Saskatchewan Gazette*.

Provisional
directors

4. For the purpose of organising the said company the persons named in the preamble to this Act shall be the provisional directors thereof; and they or a majority of them may cause stock books to be opened at the chief place of business of the company and elsewhere at the discretion of the said provisional directors which shall remain open as long as they may deem necessary; and the provisional directors are hereby authorised to receive from the shareholders a deposit of ten per cent. on the amount of the stock subscribed by them respectively and to pay all costs and expenses incurred in the application for and obtaining this Act of incorporation; so soon as the directors shall have been elected as hereinafter provided the powers and functions of the provisional directors shall cease and determine.

First
general
meeting

Election of
board of
directors

Commence-
ment of
business

5. When one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid and ten per cent. of the amount so subscribed paid in the provisional directors may call a general meeting of the shareholders at the chief place of business of the company giving fourteen days' notice of the time and place where such meeting is to be held in some newspaper published in the city of Saskatoon and by sending to each shareholder a copy of said notice by registered letter at which general meeting the shareholders present in person or represented by proxy shall elect in the manner hereinafter provided a board of directors composed of not less than five nor more than nine duly qualified shareholders who shall hold office until their successors are elected; and it shall not be lawful for the said company to commence the business of insurance until at least one hundred thousand dollars of its capital stock shall have been subscribed and ten per cent. of the amount so subscribed paid in and a board of directors elected as aforesaid.

Deposit to
be made
with
provincial
treasurer

6. The said company before commencing the business of insurance shall deposit with the provincial treasurer the sum of five thousand dollars and such deposit may be made by the company in cash or in securities of the Dominion of Canada or in securities issued by or guaranteed by any of the provinces of Canada or in municipal or school bonds or debentures or by deposit receipts issued by any chartered bank in Canada, which said sum shall be held for the benefit of the policy holders of the said company in Saskatchewan as long as any policies of the said company are outstanding within the said province.

Calls on
stock

7. The shares of capital stock of the said company subscribed for shall after the first payment of ten per cent. thereon be paid in by such instalments and at such times and places as the directors shall appoint:

Provided no such instalment shall exceed ten per cent. and not less than one month's notice of any calls upon stock

shall be given; and trustees, executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and are hereby respectively indemnified for paying the same.

8. If any shareholder shall refuse or neglect to pay any call made upon the share or shares held by him for sixty days after the same shall become payable the board of directors may by resolution declare such share or shares and all amounts previously paid thereon to be forfeited to the said company and the same shall thereupon become so forfeited and may be sold by the directors: Forfeiture of shares

Provided always that in case the money realised from such sale of share or shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale the surplus of such money shall be paid on demand to the former shareholder and no more shares shall be sold than shall be necessary to pay all arrears due by said shareholder with interest and expenses of sale;

Provided that in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant being the owner of such shares is indebted to the said company in such sum of money as the calls in arrears amount to for such and so many shares whereby an action has accrued to the company by virtue of this Act and on the trial in order to establish a *prima facie* case it shall be necessary only to prove that the defendant was owner of the said shares in the company, that said calls were made and that notice was given as directed by this Act and it shall not be necessary to prove the appointment of the directors who made such calls or any other matter whatsoever than by this section specially required and any copy or extract of any bylaw, rule, regulation or minute or of any entry in any book of the company certified to be a true copy or extract under the hand of the president or vice president, the manager or secretary of the company and sealed with the corporate seal thereof shall be received in all courts and proceedings as *prima facie* evidence of such bylaw, rule, regulation, minute or entry without any further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

9. If payment of such arrears, calls, interest and expenses be made before any share so forfeited shall have been sold such share shall revert to the owner as if the same had been duly paid before the forfeiture thereof. Redemption of share before sale

10. No transfer of any share of the capital stock of the said company shall be valid until entered in the books of the company according to such form as may be from time to time fixed by the bylaws; and until the whole of the subscribed Transfer of shares

stock of the company is paid up it shall be necessary to obtain the consent of the directors for the time being to such transfer being made:

Liability of
share-
holders

Provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon due up to the time of transfer shall have been paid.

When action
may be
brought
against
shareholders

11. In the event of the property and assets of the said company being insufficient to liquidate its debts, liabilities and engagements the shareholders shall be liable for the deficiency but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

Company not
bound to see
to execution
of trusts
affecting
shares

12. No shareholder shall be liable to any action for any debt, liability or engagement of the said company by any creditor thereof before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholder:

Provided that any shareholder may plead by way of defence in whole or in part any set off which he could set up against the company except the claim for unpaid dividends or salary or allowance as a president or director; and provided always that nothing in this section shall be construed to allay or diminish the additional liabilities of the directors of the company.

Annual
general
meeting

13. The company or directors shall not be bound to see to the execution of any trust either express, implied or constructive affecting any share or shares of its stock; and notwithstanding any such trust or any notice thereof to the company or directors the receipt of the person in whose name any share stands shall be sufficient discharge to the company for any money paid in respect to such share or shares.

Place of
annual
general
meeting

14. The annual general meeting of shareholders of the company shall be held at the chief place of business of the company on such day and at such hour as may be appointed by bylaw, thirty days' notice of such meetings being given in some newspaper published at or as near as may be to the said chief place of business or in such other manner as may be provided by the bylaws of the company.

Special
general
meeting

15. Special general meetings of the shareholders may be called in such manner as may be provided by the bylaws and by giving not less than fourteen days' notice.

16. At all general meetings of the shareholders of the company the president or in his absence the vice president or in the absence of both of them a director chosen by the shareholders shall preside who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder. Procedure at
general
meetings

(2) Each shareholder shall be entitled to cast one vote for every share held by him for not less than fourteen days prior to the time of voting and upon which all calls then due have been paid; such votes may be given either in person or by proxy but the holder of such proxy must be a shareholder.

(3) All questions proposed for the consideration of the shareholders shall be determined by the majority of votes.

17. The stock, property and affairs of the company shall be managed and conducted by a board of directors which shall consist of duly qualified shareholders (not less than five nor more than nine as may be provided by the bylaws) who shall be elected at the annual general meeting of the shareholders each year; such election to be by ballot and the requisite number of persons receiving the greatest number of votes at such election shall be the directors for the ensuing year: Directors

Provided if two or more persons receive an equal number of votes in such a manner that a greater number of persons shall appear to be chosen as directors than are required to constitute the board then the directors who shall have received the greater number of votes or the majority of them shall determine which of the said persons so receiving an equal number of votes shall be the director or directors to complete the board.

(2) No person shall be eligible to be or continue as a director unless he shall hold in his own name stock in the company to the amount of fifteen shares on which not less than ten per cent. shall have been paid and unless all calls on such stock shall have been paid and if he is indebted in any manner to the company.

(3) The directors shall as soon as may be after their election from time to time as circumstances may require elect from among themselves by ballot a president and a vice president of the company who shall hold office until their successors shall have been elected in like manner; the president, vice president or any director may be appointed manager or manager director of the company.

(4) Any vacancy happening amongst the directors by death, resignation or disqualification during their term of office shall be filled for the remainder of the term by the remaining directors or the majority of them electing in place of such director or directors a shareholder or shareholders eligible for election as directors.

(5) At all meetings of directors a majority of the full number of directors of the company shall be a quorum for the transaction of business and all questions before them shall be decided by a majority of votes each director present having one vote and in the case of a tie the chairman of the meeting shall in addition to his own vote give the casting vote.

Case of
elections of
directors not
taking place
at usual
time

18. In case it should at any time happen that an election of directors of the said company should not be made on any day when it should have been made under the provisions of this Act, the said company shall not thereby be or be deemed to have been dissolved but the directors in office shall so continue until their successors have been duly elected.

Powers of
directors

19. Subject to the provisions of this Act the directors shall have full power and authority to make and from time to time to alter such bylaws, rules, regulations and ordinances as shall appear to them proper or needful touching the well ordering of the business of the company, the management and disposition of its stock, property, estate and effects, and in all things to administer the affairs of the company and make or cause to be made for the company all contracts into which by law the company can enter; and may from time to time make bylaws regulating the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of stock certificates, the forfeiture of stock for nonpayment, the disposal of such forfeited stock and the proceeds thereof, the transfer of stock, the declaring and paying of dividends, the number and term of service of directors, the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them, their remuneration, and that, if any, of the directors, the time and place of annual meetings of the company, the calling of meetings of the board of or committee of directors and meetings of the company, the requirements as to proxies, the procedure in all things at meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the company; and may from time to time repeal, amend or reenact the same:

Provided always that all such bylaws made by the directors as aforesaid shall be valid and binding only until the next annual general meeting of shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting until amended or altered.

Powers of
company

20. The company shall have power to make and effect contracts of insurance with any person or persons or bodies politic or corporate against any loss or damage by fire or lightning on any houses, stores or other buildings whatsoever

and on any shipping or vessels whatsoever or wheresoever, proceedings against loss or damage by fire, and in like manner on any goods, chattels or personal estate whatsoever for such time or times and for such premiums or considerations and under such modifications or restrictions and upon such conditions as may be bargained or agreed upon or set forth by and between the company and the person or persons insured or to be insured and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of the business; and generally to do and perform all other necessary matters and things connected with and proper to promote the objects for which said company is incorporated; and all policies or contracts issued or entered into by the said company shall be under the seal of the said company and shall be signed by the president or vice president and countersigned by the manager or otherwise as may be directed by the bylaws, rules and regulations of the company and being so sealed, signed and countersigned shall be deemed valid and binding upon the company according to the tenor and meaning thereof.

(2) The said company shall in like manner have power and authority to make and effect contracts of insurance against all accidents or casualties of whatsoever nature and from whatsoever cause arising whereby the insured or his property may suffer loss, damage or injury or be disabled or whereby any growing crops of the insured may be damaged or destroyed or in the case of the death of any person insured from any accident to secure to his representative the payment of a sum of money and to insure and guarantee the safe transit and delivery of any money, goods, chattels or effects:

Subject to
provisions
of The Hail
Ordinance

Provided however that the powers granted under this subsection shall be subject to the provisions of *The Hail Insurance Ordinance* or any Act which may be passed in amendment thereto or in substitution therefor.

21. The company shall have full power to acquire and hold real estate for the purpose of its business within this province of an annual value not exceeding twenty thousand dollars and to sell and dispose of the same and acquire other property in its place as may be deemed expedient and further to take, hold and acquire all such lands and tenements, real or personal estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business or purchased for the purpose of avoiding a loss to the company in respect thereof or of the owner thereof and to retain the same for a period not exceeding five years from the acquisition thereof; and the company may invest its funds or any part hereof in any of the public securities of the Dominion of Canada or any of the provinces thereof or in the stocks of

Realty

any banks or in the bonds or debentures of any incorporated city, town or municipality authorised to issue bonds or debentures or in any mortgages or loans upon real estate or in real estate.

Annual
report to
shareholders

22. The directors shall cause to be prepared and submitted to the shareholders at each annual general meeting a full and correct statement of the accounts of the company, a general abstract of the estimated liabilities and assets of the company and a list of shareholders showing the amount of stock held and the amount unpaid thereon respectively.

Auditors

23. One or more auditors shall be appointed by the shareholders at each annual general meeting whose report shall be embodied in the general statement of the affairs of the company submitted to the shareholders as provided in the next preceding section.

Company
subject to
general
insurance
laws

24. This Act and the company hereby incorporated and the exercise of the powers hereby conferred shall be subject to any general laws in force or that may hereafter be in force in the province respecting insurance companies.

Returns

25. The company shall furnish all such returns as may be called for from time to time by the provincial secretary.

1908

CHAPTER 54.

An Act to incorporate the Saskatchewan Grain Growers' Association.

[Assented to June 12, 1908.]

WHEREAS the persons hereinafter named and others have associated themselves together and have formed a society under the name of "The Saskatchewan Grain Growers' Association;"

And whereas the said persons have prayed to be incorporated under the name of "The Saskatchewan Grain Growers' Association" and it is expedient to grant their prayer:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. E. N. Hopkins, Moose Jaw; F. M. Gates, Fillmore; J. W. Green, Moose Jaw; Ed. Partridge, Sintaluta; A. J. Hawkes, Broadview; H. Mooney, Weyburn; Wm. Noble, Oxbow; A. Knox, Colleston; W. R. Caswell, Saskatoon; R. S. Cooke, Prince Albert; Geo. Langley, Maymont, and all other persons who are now or shall from time to time be and become members of the said society are hereby declared to be a body corporate and politic under the name of "The Saskatchewan Grain Growers' Association" and by that name shall have, in addition to the powers which corporations or bodies politic and corporate have under *The Interpretation Act* the power of acquiring and holding real property for the purpose for which the corporation is constituted and to alienate the same at pleasure.

2. The object of the society shall be to forward the interests of the grain growers of Saskatchewan in every honourable and legitimate way.

3. The society or a council or a committee or a board of directors elected by it shall have power from time to time to make bylaws, rules and regulations for the government of the society not inconsistent with any Act or law in force in Saskatchewan.

4. The present constitution and bylaws of the said association shall be until amended the rules, bylaws and regulations

of the said corporation and the present officers and directors shall hold office until their successors are appointed in accordance therewith; and the said corporation is hereby vested with all the assets and rights, and made responsible for all the obligations and liabilities of the said association.

1908

CHAPTER 55.

An Act to incorporate The Institute of Chartered Accountants of Saskatchewan.

[Assented to June 12, 1908.]

WHEREAS certain persons have petitioned that they may ^{Preamble} be incorporated under the name of The Institute of Chartered Accountants of Saskatchewan for the purposes herein contained; and

Whereas it is expedient to grant the prayer of the petitioners:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Subject to the provisions hereinafter contained there ^{Incorporation} shall be and there is hereby constituted as a body corporate and politic a society or institute to be styled and known as "The Institute of Chartered Accountants of Saskatchewan" hereinafter called "The Institute."

2. The institute shall be composed of:

^{Members}

- (a) Such persons residing in Saskatchewan who shall within the period of five months after the passing of this Act prove to the satisfaction of a board to be appointed by the Lieutenant Governor in Council that they have been engaged in accounting for a period of five years and who shall if required successfully pass such examinations as may be prescribed by the said board;
- (b) Such other persons as shall hereafter become members of the institute as hereinafter provided.

(2) Every person who desires to have his qualifications as ^{Examinations} an accountant examined into by the said board as aforesaid shall pay to the board such fees as may be fixed by the Lieutenant Governor in Council and all fees so paid shall be used to remunerate the board for their services and to cover the expenses of any examination which may be held.

3. So soon as six persons shall have become qualified under ^{Formation of Institute} the provisions of clause (a) of section 2 hereof the Lieutenant Governor in Council shall order that the names of the said persons shall be published in *The Saskatchewan Gazette* and

upon such publication the said persons shall be and shall constitute the said institute and shall have power to do and perform all the acts and things which the said institute is by this Act empowered to do and perform.

Powers

4. The institute by the name aforesaid shall have perpetual succession and may sue and be sued in any court and have and use a common seal and be capable of making and receiving all debts, conveyances, transfers, assignments and contracts necessary to carry out effectually the provisions of this Act and to promote the objects and designs of the said institute; and the said institute shall subject to the provisions of this section be capable by its corporate name of taking, purchasing, holding, selling, mortgaging and disposing of all and any goods, chattels, lands, tenements and hereditaments and any real or personal property whatsoever and any interest therein which may from time to time be necessary or convenient for the purposes of the institute; but the institute shall not engage in trade or deal in lands or any interest therein but may apply moneys derived from fees, voluntary contributions or donations from members or others towards the maintenance and objects of the institute in such manner as the said institute shall from time to time by bylaw direct:

Provided always that the said institute shall only have power to acquire and hold such real estate as shall not at any one time exceed an annual value of five thousand dollars and shall have and hold such real estate only so far as the same shall be necessary for the purposes of the said institute within Saskatchewan: and

Provided also that it shall be lawful for the said institute to invest the funds of the institute in the bonds and debentures of any loan company duly incorporated transacting business in Saskatchewan or of any municipal corporation or in any government securities of Canada or of Saskatchewan.

Powers

5. The institute is hereby empowered to promote and increase by all lawful ways and means the knowledge, skill and proficiency of its members in all things relating to the business or calling of an accountant and to that end to establish classes, lectures and examinations and prescribe such tests of competency, fitness and moral character as may be thought expedient to qualify for admission to membership and to grant diplomas to such members enabling them to use the distinguishing letters "C.A." (chartered accountant) as a certificate of such membership and competency; and also from time to time to hold examinations and grant certificates of competency as bookkeepers to such persons as may desire to come before the institute for examination for which examination they shall be entitled to charge a fee of \$10.

MEETINGS, ELECTION OF OFFICERS, BYLAWS.

6. An annual general meeting shall be held on the first ^{Annual general meeting} Thursday of February in each year at the time and place and subject to such regulations as may be provided by the bylaws of the institute for the election of the officers and council and the transaction of such business as may be brought before such meeting; or in case such meeting for any cause be not then held a subsequent meeting for such purpose may be had under a bylaw of the institute passed for such purpose; in default of such election at the time and in the manner provided the retiring officers and council shall continue to act until their successors shall be duly appointed.

7. The officers of the institute shall consist of a president, ^{Officers} vice president, secretary and treasurer (the same person being eligible for both last mentioned offices) and such other officers as may be provided for by the bylaws who with a council the number of which shall be regulated by bylaw shall manage the affairs, business and concerns of the institute as provided for by the bylaws; all vacancies which may occur among the officers or council by reason of death or otherwise in the interval between two annual meetings, may be filled by the council.

8. The institute in general meeting assembled or at a ^{Bylaws} special meeting called for that purpose may make bylaws for the government of its members and the carrying out of its objects and the council may from time to time repeal, amend or reenact the same; but every such bylaw and every repeal, amendment or reenactment thereof unless in the meantime confirmed at a special meeting of the institute called for that purpose shall have force only until the next annual meeting of the institute and in default of confirmation thereof shall at and from that time only cease to have force.

MEMBERS.

9. No member shall be personally liable for any debt of the ^{Liability of members} institute beyond the amount of his unpaid fees or subscription as aforesaid.

10. The institute may expel any member for misconduct or ^{Disciplinary} violation of the bylaws of the institute on complaint made in writing and after inquiry into the same.

11. If any member during his lifetime ceases to be a ^{Death of member} member of the institute he shall not nor shall his representatives have any interest in or claim against the funds or property of the institute in respect of his membership.

FEES.**Fees**

12. The said institute may charge the following fees, namely:

- (a) Fifty dollars for entrance which shall be deposited with the application and shall be returned in the event of the applicant failing to pass the said examination or withdrawing his name or being refused;
- (b) An annual subscription fee of \$10 which shall be payable on such date as the bylaws shall fix;
- (c) An examination fee of \$5 for each applicant for examination.

FALSE PRETENSE OF MEMBERSHIP, PENALTY.**False
pretense of
membership**

13. It shall not be competent for any person who is not a member of the said institute to pretend to hold, take or use any name, title, addition or description implying that he holds a diploma or certificate from the said institute or to falsely represent or use any title representing that he is such.

Penalty

14. Every person who contravenes any of the provisions of the last preceding section shall for every contravention incur a penalty of \$50;

**Appropriation
of
penalty**

15. The penalty imposed upon any such conviction shall be forthwith paid over one half to the institute and the other half to the provincial treasurer the latter amount to form part of the general revenue fund of Saskatchewan.

**Penalty
recoverable
by suit**

16. The penalty imposed by section 14 of this Act may be recovered with full costs of suit in the name of The Institute of Chartered Accountants of Saskatchewan in the proper district court.

1908

CHAPTER 56.

An Act to incorporate The Fathers of La Salette.

[Assented to June 12, 1908.]

WHEREAS Jules Morard, Auguste Dupraz and Francis Gerboud on behalf of the association of ecclesiastics known as The Fathers of La Salette have by petition represented that the association of which the said petitioners are members has existed in the province of Saskatchewan and in the North-West Territories since the year 1899 and has for its object the establishment and carrying on of missions, the erection and conduct of schools, seminaries and churches and has now in operation in the province the missions at Forget, Weyburn and Estevan now conducted by the said fathers; Preamble

And whereas the petition presented in their name prays that the said association may be vested with corporate powers and it is expedient to grant their prayer:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. There is hereby constituted and established within the province a body politic and corporate under the name of "The Fathers of La Salette" which body corporate shall consist of all persons now members of the said association of ecclesiastics in this province or who shall hereafter become members thereof. Incorporation

2. The said corporation shall have perpetual succession and a common seal; and may at all times hereafter contract and be contracted with, sue and be sued, implead and be impleaded in any matter whatsoever in all courts and places whatsoever in this province. General rights and obligations

3. All lands, tenements and hereditaments, property (real and personal) and all churches, schools, rectories and particularly the rectory at Forget aforesaid belonging to and used, held, occupied and possessed or enjoyed at the time of the passing of this Act by the said association and the lands thereto pertaining shall be and the same are hereby declared to be vested in the corporation for the purpose hereof. Property vested in the corporation

4. The corporation may from time to time and at all times hereafter acquire by gift, demise, bequest, devise, transfer, Acquisition and alienation of property

purchase or otherwise for the benefit of the corporation any land or real or personal estate in the province; and the same or any part thereof may from time to time dispose of by sale, transfer, mortgage, lease, exchange or otherwise and with the proceeds therefrom may acquire other lands, tenements, hereditaments and other property (real or personal) for the use and purpose of the corporation.

Appropriation of revenues

5. The revenues, issues and profits of all property (real or personal) held by the corporation shall be appropriated and applied solely to the maintenance of the members of the corporation and of the institutions carried on by the corporation and the construction and repair of buildings and the acquisition of property (real or personal) requisite for the purpose of the corporation and for the advance of charity and benevolence.

Head office

6. The head office of the corporation shall be at Forget or such other place in the province as may from time to time be determined by the bylaws of the corporation.

Bylaws

7. It shall be lawful for the corporation to make bylaws, rules and regulations not contrary to the laws of the province for the government and proper administration of the affairs and property of the corporation and to repeal and amend the same from time to time.

Execution of documents

8. Unless and until the bylaws of the corporation otherwise provide all transfers, deeds of sale, leases and other documents in writing whatsoever of, to or relating to lands held or acquired by the corporation shall be executed with the seal of the corporation, attested by the signature of the president, vice president and secretary treasurer or any two of them.

1908

CHAPTER 57.

An Act to amend The Regina Victoria Hospital Ordinance.

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. *The Regina Victoria Hospital Ordinance* is amended ^{1900, c. 42,} by adding thereto the following section: _{amended}

“22. The board of directors are hereby declared to have and to have had the power to assign and transfer to the city of Regina all or any of the property of the Regina Victoria Hospital.”

1908

CHAPTER 58.

An Act to enable Wilfred Onesime Tessier to qualify
as a Member of the College of Physicians and
Surgeons of Saskatchewan.

[Assented to June 12, 1908.]

Preamble

WHEREAS a petition has been presented praying that Wilfred Onesime Tessier, of Tessier in Saskatchewan, be admitted as a member of the College of Physicians and Surgeons of the Province of Saskatchewan;

And whereas the said Wilfred Onesime Tessier pursued the study of medicine under the College of Physicians and Surgeons of the province of Quebec;

And whereas the said Wilfred Onesime Tessier is a graduate in medicine having received the degree of M.D. from the College of Physicians and Surgeons of Minneapolis in the State of Minnesota in the year A.D. 1887; and holds a diploma of the Minnesota State Examining Board authorising him under the provisions of the *Act to Regulate the Practice of Medicine and Surgery* in the State of Minnesota to pursue the practice of medicine in the said state;

And whereas the said Wilfred Onesime Tessier did pursue the practice of medicine in the State of Minnesota for a period of seventeen years and whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Wilfred
Onesime
Tessier
enabled to
qualify as a
member of
the College
of
Physicians
and
Surgeons

1. The said Wilfred Onesime Tessier is hereby declared to be eligible for examination for admission as a member of the College of Physicians and Surgeons of the North-West Territories or of the province of Saskatchewan, as the case may be, and on passing such examination as shall be prescribed by the said College shall be and become a member of the said College with all the rights and privileges appertaining to membership thereof and be subject to its jurisdiction and control.

1908

CHAPTER 59.

An Act to incorporate The Weyburn Club.

[Assented to June 12, 1908.]

WHEREAS the persons hereinafter named and others in ^{Preamble}
the town of Weyburn have associated themselves together
for the establishment of a club for social purposes;

And whereas the said persons hereinafter named have
prayed to be incorporated by the name of "The Weyburn
Club" of the town of Weyburn in the province of Saskat-
chewan and it is expedient to grant their prayer:

Therefore his Majesty by and with the advice and consent
of the Legislative Assembly of Saskatchewan enacts as follows:

1. Frank B. Moffet, Oliver S. Black, William M. Little, J. ^{Incorporation of Weyburn Club}
C. McClennan, T. H. Blacklock, R. H. Smith, H. S.
Elwin, T. H. Hilliar, James B. Martin, John Cumming, C.
P. Moore, O. S. Mitchell, W. J. Gallon, R. H. Foster, G.
M. Shaw, C. H. Hartney, J. D. Bell, J. Sherrick and all such
other persons as now are or hereafter shall become members
of the said association shall be and are hereby declared to be
a body corporate and politic in deed and in name by the name
of The Weyburn Club and by that name shall have perpetual
succession and a common seal and shall have power from time
to time and at all times hereafter to purchase, acquire, hold,
lease, possess and enjoy and to have, take and receive to them
and their successors to and for the actual use of the said
corporation any personal property and any lands, tenements,
hereditaments and real and movable and immovable property
and estate situate, lying and being within the said town of
Weyburn and the same to sell, alienate, exchange and otherwise
dispose of or incumber whensoever the said corporation may
deem it proper so to do.

2. The constitution, rules and regulations touching the ^{Constitution, rules, etc.}
administration of the said corporation shall be formulated
at a general meeting thereof called for that purpose and of
which at least ten days' notice shall be given by public adver-
tisement or otherwise to all the members thereof; and the
constitution, rules and regulations then adopted shall have
full force and effect in so far as the same shall not be incon-
sistent with law:

Provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner therein provided.

**Borrowing
powers**

3. The said corporation may from time to time borrow money at such rate of interest and upon such terms as they may deem proper; and may for such purposes make, execute or issue any mortgages, bonds, debentures or other instruments under the seal of the said corporation.

**Execution
of
mortgages,
etc.**

4. Any such mortgage, bond, debenture or other instrument shall be signed by the president of the said corporation and countersigned by the secretary.

**Application
of moneys
borrowed**

5. The moneys authorised to be raised under the provisions of section 3 of this Act shall be applied exclusively in the purchase of a site for the club buildings and in the purchase, improvement or erection of a club house and dependencies thereon together with necessary furniture or for the purchase of any freehold interest therein and in the payment of any mortgage or charge thereon and for the redemption of the said debentures and any reissues as they become due respectively from time to time and at all times.

**Liability
of members**

6. No member of the corporation shall be liable to contribute to the assets of the corporation in the event of the same being wound up beyond the extent of the entrance fee and annual subscriptions remaining unpaid by the said member and for any unpaid accounts he may have incurred to the corporation for articles ordered by him in the said club; and any member of the said club not so indebted to the said corporation may retire therefrom and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club and thenceforth shall be free from liability for any debt or engagement of the corporation.

**Powers of
club as
to bills
and notes**

7. The said corporation shall have power to draw, make, accept and indorse all bills of exchange and promissory notes necessary for the purposes of the said corporation under the hands of the president and secretary thereof after authority of the committee of the said corporation so to do and in no case shall it be necessary that the seal of the corporation be affixed to any such bill or note.

**Power to
lease**

8. Notwithstanding anything hereinbefore contained the said corporation shall have full power to lease any portion of the real estate held by the said corporation upon such terms and for such periods as may be agreed upon.

Short title

9. This Act may be cited as "*The Weyburn Club Act.*"

1908

CHAPTER 60

An Act to amend "An Act to incorporate The Elks Club of the City of Saskatoon."

[Assented to June 12, 1908.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Chapter 47 of the Statutes of 1907 intituled "*An Act to incorporate The Elks Club of the City of Saskatoon*" is hereby amended by striking out the word "Elks" wherever it occurs therein and substituting therefor the word "Commercial":

Provided that such alteration of name shall in no wise affect the rights or obligations of the corporation incorporated under the said Act and that all proceedings may be continued or commenced by or against the said corporation under its new name that might have been continued or commenced by or against the corporation under its former name.

CHRONOLOGICAL TABLE

OF

The Consolidated Ordinances 1898, all subsequent Ordinances and the Provincial Statutes for 1906, 1907 and 1908

LIST OF ABBREVIATIONS: **am**-affecting; **am**-amending; **rep**-repealing.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes	
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908		
C. O. 1898	Interpretation												
Chap. 1	Legislative Assembly			2, am									
2	Elections	2, am			2, am	3, am	2, am		2, am	4, rep			
3	Controverted Elections	3, am			3, am				4, rep				
4	Public Service												
5	Department of Attorney General			3, am					5, rep				
6	Department of Territorial Secretary								7, rep				
7	Department of Agriculture								8, rep				
8	Department of Public Works			4, rep					9, rep				
9	Treasury Department and Auditing								10, rep				
10	Public Printing			5, am					13, rep	6, rep			
11	Public Inquiries			6, am					14, rep				
12	Security by Public Officers					5, am							
13	Vital Statistics		2, am						12, rep				
14	Expropriation												
15	Coal Mines Regulations		3, am	4, rep									
16	Steam Boilers Inspection	4, am											
17	Ferries			7, rep					15, rep				
18	Public Health			4, rep									
19	Hospitals			8, rep									
20	Judicature	5, am	5, am	10, am									
21	Clerks	6, am	6, am	14, am			6, am			8, rep			
22													

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes		
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908			
Chap. 60	Threshers' Liens	11, am		19, am										
61	Companies		17, am	20, rep							30, am			
62	Changing Names of Companies			20, rep						(3)	38, am			
63	Foreign Companies		18, am	22, rep		14, rep								
	*Disallowed, Can. Gazette, Vol. XXXV p. 2417													
64	Mining Companies		19, am	20, rep					40, rep					
65	Dairy Associations													
66	Benevolent Societies								32, am					
67	Mechanics' Institutes													
68	Cemeteries	13, am									38, am			
69	Agricultural Societies	14, rep												
		15, am	23, am	23, am	9, am	18, am	22, am	6, am	13, am					
70	Municipalities					19, am					17, rep			
71	Assessment of Railways		25, rep											
72	Villages	16, am												
73	Local Improvement	17, am		27, rep										
74	Irrigation Districts	18, am		28, am			25, am							
75	Schools		26, am	29, rep										
76	Marking and Inspection of Stock	19, rep	22, rep											
		In part												
77	Fences	21, am	27, am				28, rep							
78	Stallions and Bulls		28, am											
79	Pound Districts		29, am											
80	Stray Animals		30, am											
81	Herdling of Animals										10, am			
82	Protection of Sheep										38, am			
83	Injury of Stock by Railway Trains													
84	Noxious Weeds	22, rep												

85	Protection of Game	23, am		32, am	10, am		29, rep		
86	Pollution of Streams					25, am	30, am	13, am	
87	Prairie and Forest Fires								
88	Chimneys							14, am	31, am
89	Sale of Intoxicating Liquor			32, am	33, am	26, am			28, am
90	Insane Persons	24, am							
91	Profanation of Lord's Day								
92	Use of Tobacco by Minors								
93	General Trust Corporation of Canada								
1899									
Chap.									
1	Appropriation								
2	Legislative Assembly								
3	Elections								3, rep
4	Coal Mines Regulations			3, am					
5	Judicature								
6	Clerks								
7	Partnership								
8	Legal Profession							4, am	
9	Dentistry								
10	Veterinary Surgeons								
11	Threshers' Liens								
12	Companies Winding up				20, rep				
13	Agricultural Societies	14, rep							
14	Agricultural Societies			21, am		17, rep			
15	Municipalities								
16	Villages			25, rep					17, rep
17	Local Improvement			26, aff					
				27, rep					
18	Irrigation Districts								
19	Inspection of Stock							41, am	38, am
20	Horse Breeders					23, rep			
21	Fences								
22	Noxious Weeds			31, am		24, rep	28, rep		
23	Protection of Game						29, rep		
24	Insane Persons								
25	Calgary General Hospital								
26	City of Calgary					27, am			
27	Indian Head			38, am					

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	1899	1900	1901	1902	1903 Sess. 1 32, am	1903 Sess. 2	1904	1906	1907	1908
Chap. 28	Town of Strathcona										
29	Edmonton Club										
30	Qu'Appelle Grist Mill										
31	Peace River Gold Dredging Company										
1900											
Chap. 1	Appropriation										
2	Vital Statistics										
3	Coal Mines Regulations										
4	Public Lands			4, rep							
5	Judicature										
6	Clerks										
7	Sheriffs										
8	Justices of the Peace										
9	Remission of Penalties										
10	Confirmation of Tax Sales			12, rep							
11	Assignments for Creditors										
12	Mortgages and Sales of Personal Property										
13	Workmen's Compensation										
14	Legal Profession										
15	Medical Profession										
16	Dentistry										
17	Companies			20, rep							
18	Foreign Companies			*22, rep		14, rep					
19	*Disallowed, Can. Gazette, Vol. XXXV	p. 2417									
20	Mining Companies			20, rep							
	Hall Insurance			9, rep						20, am	

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	1899	1900	1901	1902	1903 Sess. 1 9, am	1903 Sess. 2	1904	1906	1907	1908
Chap. 12	Confirmation of Tax Sales										
13	Devolution of Estates										
14	Clerks										38, am
15	Official Auditors										
16	Exemptions										
17	Marriages										
18	Legal Profession										
19	Threshers' Liens										
20	Companies								31, am	32, am	
21	Water, Gas, Electric & Telephone Companies										
22	Foreign Companies				*8, am						
23	*Disallowed, Can. Gazette, Vol. XXXV p. 2417					19, am	22, am				17, rep
24	Municipalities					20, am	23, am	7, am	35, rep		
25	Exemption of Beet Sugar Factories						24, rep				
26	Villages						27, am	9, am			38, rep
27	Local Improvement						27, am	10, am			
28	Irrigation Districts						20, rep				
29	Schools										
30	School Assessment					21, am					
31	School Grants										
32	Protection of Game					26, am					
33	Sale of Intoxicating Liquor										
34	North-Eastern Stock Growers' Assn.										
35	British Canadian Trust and Guarantee Company										
36	Asaskatchewan Exploration Company				14, am						
37	Chinook Club of Lethbridge										

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing						Provincial Statutes			
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908
chap. 4	Legislative Assembly										
5	Public Inquiries						2, am				
6	Drainage										
7	Hall Insurance										
8	Judicature										
9	Confirmation of Tax Sales										
10	Notaries Public										
11	Marriages										
12	Medical Profession										
13	Companies Winding up										
14	Foreign Companies										
15	Trust Companies						19, am				38, am
16	Fire Insurance Policy										
17	Agricultural Societies						20, am		38, rep		38, am
18	Municipalities										17, rep
19	Municipalities						22, aff				17, rep
20	Villages						23, am		35, rep		
21	School Assessment										
22	Brands										
23	Horse Breeders										
24	Noxious Weeds							11, am	43, rep		
25	Prairie Fires						30, aff				
26	Sale of Intoxicating Liquor										
27	City of Calgary										
28	City of Regina										
29	Town of Moosomin										
30	Town of Lethbridge								46, rep		
31	Town of Yorkton										
32	Town of Strathcona										

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908
Chap. 25	Irrigation Districts										
26	University										
27	Schools										
28	Fences										
29	Protection of Game										
30	Prairie and Forest Fires							12, am		27, am	
31	Legalise Certain Marriages										
32	Town of Edmonton										
33	Town of Raymond										
34	City of Moose Jaw							15, am	19, am		
35	Cypress Club										
1904											
Chap. 1	Appropriation										
2	Public Works										
3	Masters and Servants										
4	Legal Profession									32, am	
5	Dentistry										
6	Municipalities										17, rep
7	Villages										
8	Local Improvement								36, rep		
9	Schools										
10	School Grants										
11	Noxious Weeds										
12	Game										
13	Prairie Fires										
14	Sale of Intoxicating Liquors										
15	City of Moose Jaw (area)								49, am		
16	City of Moose Jaw (bylaws)										

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908
Chap. 18	Commissioners for Oaths										
19	Police Magistrates and Justices of the Peace										
20	Constables										38, am
21	Coroners										
22	Insane Persons									32, am	
23	Gaols and Prisons									32, am	38, am
24	Land Titles									29, am	26, am
25	Assignments and Preferences									38, am	38, am
26	Mechanics' Liens										
27	Marriages										
28	Medical Profession									32, am	38, am
29	Dental Profession										38, am
30	Railways										
31	Companies Ordinance										
32	Mechanics' and Literary Institutes										
33	Municipalities										
34	Municipal Public Works										
35	Villages										17, rep
36	Local Improvements										38, am
37	Public Libraries										18, rep
38	Agricultural Societies									32, am	13, am
39	Manufacture of Butter and Cheese										35, am
40	Dairymen's Ordinance									23, am	38, am
41	Inspection of Stock										
42	Brands										
43	Noxious Weeds										
44	Motor Vehicles										

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting amending or repealing							Provincial Statutes		
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908
Chap. 17	Hire Receipts and Conditional Sales										
18	Property of Married Women										
19	Legal Profession										36, am
20	Kings' Counsel										38, am
21	Mechanics' Liens										
22	Taxation of Corporations										
23	Agricultural Societies										
24	University										38, am
25	Secondary Education										20, am
26	Public Libraries										38, am
27	Game										
28	Wolf Bounties										
29	Hall Insurance										
30	Open Wells										
31	Liquor License										
32	Statute Law Amendment										
33	Town of Vonda										
34	Town of Whitewood										
35	Town of Yorkton										
36	City of Regina										
37	City of Prince Albert										
38	City of Saskatoon. Election										
39	City of Saskatoon. Bylaws										
40	Freemasons' Grand Lodge										
41	Regina Exhibition										
42	Commercial Trust										
43	Methodist Church										

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Mt.

STATUTES

OF THE

PROVINCE OF SASKATCHEWAN

PASSED IN THE SESSION HELD IN THE EIGHTH AND NINTH YEARS
OF THE REIGN OF HIS MAJESTY KING EDWARD
THE SEVENTH

BEING THE

FIRST SESSION OF THE SECOND LEGISLATURE

BEGUN AND HOLDEN AT REGINA ON THE TENTH DAY OF DECEMBER, 1908, AND
CLOSED BY PROROGATION ON THE TWENTY-THIRD DAY OF JANUARY, 1909



HIS HONOUR AMEDEE EMMANUEL FORGET
LIEUTENANT GOVERNOR

REGINA
JOHN A. REID, GOVERNMENT PRINTER.
1909

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8 & 9 EDWARD VII, 1908-9

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2. An Act respecting Loans for Public Improvements.
3. An Act to authorise the Guarantee of Certain Securities of the Canadian Northern Railway Company.
4. An Act to authorise the Guarantee of Certain Securities of the Grand Trunk Pacific Branch Lines Company.
5. An Act to amend The Railway Taxation Act.
6. An Act respecting Rural Municipalities.
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8. An Act respecting Judges' Orders in Matters not in Court.
9. An Act to amend The Land Titles Act.
10. An Act respecting the Veterinary Profession of Saskatchewan.
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16. An Act respecting the Council of the City of Prince Albert.
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19. An Act respecting The Saskatchewan Central Railway Company.
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21. An Act to incorporate The Regina Inter-Urban Tramway Company.
22. An Act to incorporate The Saskatchewan Mortgage Corporation.

1908-9

CHAPTER 1.

An Act for granting to His Majesty certain Sums of Money for the Public Service of the Fiscal Years ending, respectively, the twenty-eighth day of February, 1909, and the twenty-eighth day of February, 1910.

[Assented to January 23, 1909.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from His Honour Amédée Emmanuel Forget, Lieutenant Governor of Saskatchewan, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Saskatchewan not otherwise provided for during the fiscal years ending respectively the twenty-eighth day of February one thousand nine hundred and nine and the twenty-eighth day of February one thousand nine hundred and ten and for other purposes relating thereto: May it therefore please your Majesty that it may be enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan as follows:

1. This Act may be cited as "*The Appropriation Act* Short title 1908-9."

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole seven hundred and fifteen thousand five hundred and eighty dollars and eighty-nine cents towards defraying the several charges and expenses of the public service from the first day of March in the year of our Lord one thousand nine hundred and eight to the twenty-eighth day of February in the year of our Lord one thousand nine hundred and nine not otherwise provided for and set forth in schedule A to this Act. ^{\$715,580.89 granted for 1908-9}

3. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole three millions eight hundred and sixty-one thousand five hundred and forty-six dollars and forty-nine cents towards defraying the several charges and expenses of the public service from the first day of March in the year of our Lord one thousand ^{\$3,861,546.49 granted for 1909-10}

nine hundred and nine to the twenty-eighth day of February in the year of our Lord one thousand nine hundred and ten not otherwise provided for and set forth in schedule B to this Act.

When
salaries
take effect

4. Where moneys are granted by this Act for the payment of the salary of an office or clerkship in the inside or outside division of the public service for the fiscal year ending the twenty-eighth day of February one thousand nine hundred and ten and there is nothing to the contrary in the Order in Council or other instrument appointing or promoting any person to such office or clerkship the appointment or promotion shall take effect from the first day of March one thousand nine hundred and nine.

Applications
to be
accounted
for

5. The application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

SUMS granted to his Majesty by this Act for the fiscal year ending February 28, 1909, and the purposes for which they are granted:

CIVIL GOVERNMENT.

	\$	c.	\$	c.
Executive Council	4,155	89		
Treasury department	3,000	00		
Public works department.....	2,500	00		
Education department	7,000	00		
Railways, telegraphs and tele- phones department	500	00		
			17,155	89

LEGISLATION.

To defray expenses of legislation. 50,925 00

ADMINISTRATION OF JUSTICE.

Police, prisoners and insane.... 16,000 00

PUBLIC WORKS (*Chargeable to Income*).

Public buildings (salaries and
maintenance and repairs).... 307,000 00

ADMINISTRATION OF JUSTICE.

	\$	c.	\$	c.
Supreme, district and surrogate courts	38,420	00		
Police magistrates' courts.....	2,000	00		
Criminal investigations	26,100	00		
Gaols	26,900	00		
Police, prisoners and insane....	186,500	00		
Registration of land titles.....	75,980	00		
Administration of Liquor License Act.....	19,850	00		
Miscellaneous justice	9,500	00		
			385,250	00

PUBLIC WORKS (*Chargeable to Income*).

Public buildings (salaries and maintenance and repairs)....	78,354	00		
Public improvements, surveys, etc.	450,000	00		
Miscellaneous services	34,200	00		
			562,554	00

PUBLIC WORKS (*Chargeable to Capital*).

Public buildings (construction).	1,000,214	99		
Public improvements	189,000	00		
			1,189,214	99

EDUCATION.

To defray expenses of education	700,700	00
---------------------------------	---------	----

AGRICULTURE AND STATISTICS.

Assistance to grain growing industry	57,700	00		
Assistance to live stock industry	5,350	00		
Assistance to dairy and poultry industry	90,500	00		
Weed inspection, game preservation and destruction of noxious animals	11,700	00		
Publicity and statistical work...	14,600	00		
Bacteriological laboratory, research work and agricultural education	12,180	00		
Miscellaneous services	3,850	00		
			195,880	00

1908-9

APPROPRIATION

Cap. 1

5

HOSPITALS, CHARITIES AND
PUBLIC HEALTH.To defray expenses of hospitals,
charities and public health....

\$	c.
48,600	00

TELEPHONES (*Chargeable to In-
come*).To provide for maintenance and
operation of telephones.....

30,000 00

TELEPHONES (*Chargeable to
Capital*).To provide for construction of
public telephone systems
throughout the Province and
assistance to rural telephone
companies

305,000 00

MISCELLANEOUS.

To defray miscellaneous expendi-
ture.....

107,300 00

\$3,861,546 49

1908-9

CHAPTER 2.

An Act respecting Loans for Public Improvements.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

- | | |
|---------------------------------|---|
| Short title | 1. This Act may be cited as " <i>The Public Improvements Loan Act.</i> " |
| Securities
may be
issued | 2. For the purpose of raising the funds required to meet the whole or any portion of the cost of such public improvements as are hereinafter described the Lieutenant Governor in Council shall have power to authorise the provincial treasurer to issue debentures, bonds, debenture stock or other securities of the province (hereinafter called "securities") bearing interest at a rate not exceeding five per centum per annum and payable at any time not exceeding ten years from the date thereof; such securities may be made payable at any place in Canada or in the United Kingdom of Great Britain and Ireland or in the United States of America and either in sterling money or Canadian currency and may have coupons attached thereto for the payment of the interest half yearly or yearly and shall be sealed with the seal of the province and shall be signed by the provincial treasurer whose signature may be lithographed. |
| Maximum
of liability | 3. The total amount of the liability which may be created in the manner aforesaid shall not at any one time exceed in the aggregate the sum of \$500,000. |
| Charge on
general
revenue | 4. In the case of all securities issued as herein provided the repayment of the principal sum or sums borrowed together with the payment of interest shall be a charge on the general revenue of the province. |
| Provision
for
repayment | 5. In every instance in which any such security is issued provision shall be made for the repayment of the principal sum borrowed at the end of the period of years during which the security is to run and for this purpose there shall be set aside annually out of the general revenue of the province by way of sinking fund a sum sufficient with interest to retire the security at maturity. |

6. Every such sinking fund shall be kept in one general ^{Sinking funds} account to be known as "The Sinking Fund Trust Account" and the Lieutenant Governor in Council may from time to time should such course be deemed advisable direct the treasurer to invest any portion of the said fund in public securities of the province of Saskatchewan or in the debentures of school districts or municipalities in the province and may afterwards direct him to dispose thereof in such manner, on such terms and to such amounts as may be deemed most to the public advantage.

7. The public improvements for which securities may be ^{Public improve-ments to be paid for by issue of securities} issued as aforesaid shall be such as have been or may be authorised or carried on under the provisions of *The Public Works Act* subsequently to the first day of January, 1908, and shall include only those of a permanent character such as steel bridges, permanent main roads, securing of public highways, ferry equipment, drainage systems and dams or reservoirs for the storage of water.

8. The provincial treasurer shall make and submit to ^{Annual report} the Lieutenant Governor in Council an annual report to be laid before the Legislative Assembly with the public accounts which report shall include:

- (a) A statement of the facts in connection with every loan made as aforesaid;
- (b) A statement showing the standing of the sinking fund trust account;
- (c) A detailed summary of the public works constructed or provided out of the funds arising from any such loan.

1908-9

CHAPTER 3.

An Act to authorise the Guarantee of Certain Securities of the Canadian Northern Railway Company.

[Assented to January 23, 1909.]

Preamble

WHEREAS The Saskatchewan North-Western Railway Company incorporated at the present session of this legislature, and hereinafter called the "local company" is authorised to construct the lines of railway mentioned in the first part of the schedule hereto, and is also authorised to amalgamate with the Canadian Northern Railway Company, hereinafter called the "Canadian Northern"; and

Whereas the Canadian Northern is authorised to construct the lines of railway mentioned in the second part of this schedule; and

Whereas it is expedient to authorise the guarantee by the government of certain securities to be secured upon the lines mentioned in said schedule and to be issued by the Canadian Northern:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Guarantee
authorised

1. The Lieutenant Governor in Council is hereby authorised on such terms and conditions not inconsistent with the provisions of this Act as may be agreed on with the Canadian Northern to guarantee payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called "securities") of the Canadian Northern to the extent and upon the terms hereinafter set forth.

Amount of
securities
per mile

2. The amount of securities to be so guaranteed shall not exceed the sums represented by thirteen thousand dollars per mile of the respective lines of railway mentioned in the schedule hereto; the certificate of the commissioner of railways, telegraphs and telephones as to the mileage of the said respective lines shall for the purpose of this Act and of the guaranteed securities be conclusive; the said securities may be in whole or in part payable in lawful money of Canada or in its equivalent in sterling or other money; the rate of interest thereon shall be at the rate of four per cent. per annum payable half yearly and the principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council and such deed or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein and in respect to the mileage of which the securities secured thereby are issued and the rolling stock and equipment, present and future, acquired for the purposes of said line or lines, the tolls, revenues and incomes of the company arising and to arise from the said line or lines and the rights, privileges, franchises and powers of the company now or hereafter held by the company in respect to the said line or lines and the operation and maintenance thereof:

Securities
to be
secured by
mortgage

Provided always that no securities shall be guaranteed with respect to the mileage of any line mentioned in the first part of the schedule hereto until the Canadian Northern becomes authorised by amalgamation with the local company or otherwise to construct such line.

Proviso

4. The kind of securities to be guaranteed and the form and terms thereof and the form and terms of the deed of trust securing them and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon by sale, pledge or otherwise pending the expenditure of such moneys for the purposes of the said lines of railway respectively and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council may approve.

Approval of
the
Lieutenant
Governor
in Council

5. The said guarantee shall be signed by the provincial treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the province of Saskatchewan shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof; and the Lieutenant Governor in Council is hereby authorised to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee and to advance the amount necessary for that purpose out of the general revenues of the province and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee so signed shall be conclusive evidence that the terms of this Act with respect thereto have been complied with.

Execution
of
guarantee

6. Not less than one hundred and twenty-five miles of the lines specified in the schedule hereto shall be completed on or before the thirty-first day of December, 1909, and the remainder of said lines shall be completed on or before the thirty-first day of December, 1911, and the said lines shall thereafter be operated by the Canadian Northern which shall maintain and furnish such equipment therefor as will reasonably provide for the requirements of the freight and passenger traffic thereon.

Time for
commence-
ment and
completion

Standard of
construction

7. The said lines shall be constructed to a general standard not inferior to the standard of the main line of the Canadian Northern between Winnipeg and Edmonton and to the satisfaction of the commissioner of railways, telegraphs and telephones of the said province; before the construction of any line is commenced the general route thereof shall be approved by the Lieutenant Governor in Council.

Payment by
Saskat-
chewan
not to
release
company
from
liability

8. Any payment by the province of principal or interest on the said securities pursuant to the guarantee thereof shall not in any event be taken to affect the liability of the Canadian Northern therefor under the securities so paid or under the deed of trust securing the payment thereof but such liability shall remain unimpaired and enforceable by the province against the company; the province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities or of the said deed of trust prior to payment by the province under its guarantee and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

Provision
for issue of
additional
securities

9. Subject to the proviso in this section contained the deeds of trust (herein called "the original instruments") securing the securities hereby authorised to be guaranteed may provide for the issue from time to time and the ranking *pari passu* with said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule hereto and also of additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid not exceeding \$15,000 per mile of additional lines of railway in the province of Saskatchewan to be hereafter constructed by the Canadian Northern:

Proviso

Provided always that before such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorised by the Legislative Assembly and that such guarantee shall have been given pursuant to such authorisation.

Supplemen-
tary
instruments

10. Supplementary deeds of trust (hereinafter called "supplementary instruments") covering said additional lines and in form approved by the Lieutenant Governor in Council shall be taken to the trustees of the original instruments and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which together with the mortgaged premises covered thereby shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original

instrument and supplementary instrument formed but one instrument and as if all the securities issued and to be issued under the original or supplementary instrument were issued under the one instrument.

11. All moneys realised by sale, pledge or otherwise of the securities hereby secured shall be paid directly by the purchaser, subscriber, pledgee or lender into the Canadian Bank of Commerce or the Bank of Scotland or such other bank or banks as the government may approve to the credit of a special account in the name of the treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or reissued and shall be secured by the said deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge; the balances at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company and the bank holding same and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed or to be fixed by contract between the government and the company; and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as the chief engineer of the department of public works or such other officer as the government may appoint shall certify as justified having regard to the proportion of work done upon the said respective lines of railway as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line; the balance, if any, of the proceeds of such securities at the rate of \$13,000 per mile of said lines respectively treated as separate lines which may remain after the completion of the said respective lines of railway shall be paid over to the company or its nominees; pending completion of the said respective lines the balance at the credit of such special accounts shall until paid out as above provided for be deemed part of the mortgaged premises under said deed of trust and shall not be taken to be public moneys received by the province.

Disposition
of moneys
realised
from
securities

SCHEDULE.

FIRST PART

1. A line from Craven on the Craven branch of the Qu'Appelle, Long Lake and Saskatchewan Railway; thence in a generally northerly direction west of Last Mountain lake to a point on the Prince Albert branch of the Canadian Northern Railway between Adam's Ferry and Brancepeth a distance of about forty miles from Craven.

2. A line from a point on the Qu'Appelle, Long Lake and Saskatchewan Railway between Aylesbury and Davidson; thence in a generally westerly and north-westerly direction to a junction with the Goose Lake branch of the Canadian Northern Railway in or near range 16 west of the third principal meridian, a distance of about one hundred and twenty miles.

3. A line from a point on the line mentioned in paragraph 1 of the second part of this schedule; thence in a southerly direction to or near the Souris coal fields near Roche Percee, a distance of about twenty-five miles.

SECOND PART

1. A line from a point on the Canadian Northern Railway in or near Maryfield; thence in a generally south-westerly and westerly direction to or near range 17 west of the second principal meridian, a distance of about one hundred and thirty-five miles.

2. A line from a point on the main line of the Canadian Northern Railway in or near Dalmeny; thence in a generally northerly and north-easterly direction for a distance of forty miles or thereabouts.

3. A line from a point on the Canadian Northern Railway in or near North Battleford; thence in a generally north-westerly direction for a distance of fifty miles or thereabouts.

1908-9

CHAPTER 4.

An Act to authorise the Guarantee of Certain Securities of the Grand Trunk Pacific Branch Lines Company.

[Assented to January 23, 1909.]

WHEREAS the Grand Trunk Pacific Branch Lines Preamble
Company, a company incorporated by an Act of the
Parliament of Canada being chapter 99 of the Acts passed in
the sixth year of his Majesty's reign and hereinafter called
"the company," is authorised to construct the lines of railway
mentioned in the schedule hereto; and

Whereas it is expedient to authorise the guarantee by the
government of certain securities to be secured upon the lines
mentioned in said schedule and to be issued by the said
company:

Therefore his Majesty by and with the advice and consent
of the Legislative Assembly of Saskatchewan enacts as follows:

1. The Lieutenant Governor in Council is hereby author- Guarantee
ised on such terms and conditions not inconsistent with the authorised
provisions of this Act as may be agreed on with the company to
guarantee payment of the principal and interest of the
bonds, debentures, debenture stock or other securities (herein-
after called "securities") of the company to the extent and
upon the terms hereinafter set forth.

2. The amount of securities to be so guaranteed shall not Amount of
exceed the sums represented by thirteen thousand dollars per securities
mile of the respective lines of railway mentioned in the per mile
schedule hereto; the certificate of the commissioner of rail-
ways, telegraphs and telephones as to the mileage of the said
respective lines shall for the purpose of this Act and of the
guaranteed securities be conclusive; the said securities may be Certificate
in whole or in part payable in lawful money of Canada or in of mileage
its equivalent in sterling or other money; the rate of interest
thereon shall be at the rate of four per cent. per annum
payable half yearly and the principal shall be payable in
thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds Securities
of trust by way of mortgage or charge to a trustee or trustees to be
approved by the Lieutenant Governor in Council and such secured by
mortgage

deed or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein and in respect to the mileage of which the securities secured thereby are issued and the rolling stock and equipment, present and future, acquired for the purposes of said line or lines, the tolls, revenues and incomes of the company arising and to arise from the said line or lines and the rights, privileges, franchises and powers of the company now or hereafter held by the company in respect to the said line or lines and the operation and maintenance thereof.

Approval
of the
Lieutenant
Governor in
Council

4. The kind of securities to be guaranteed and the form and terms thereof and the form and terms of the deed of trust securing them and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon by sale, pledge or otherwise pending the expenditure of such moneys for the purposes of the said lines of railway respectively and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council may approve.

Execution
of
guarantee

5. The said guarantee shall be signed by the provincial treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the province of Saskatchewan shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof; and the Lieutenant Governor in Council is hereby authorised to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee and to advance the amount necessary for that purpose out of the general revenues of the province and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee so signed shall be conclusive evidence that the terms of this Act with respect thereto have been complied with.

Time for
commence-
ment and
completion

6. Not less than fifty miles of the lines specified in the schedule hereto shall be completed on or before the thirty-first day of December, 1909, and the remainder of the said lines shall be completed on or before the thirty-first day of December, 1911, and the company shall enter into an agreement to be approved by the Lieutenant Governor in Council with the Grand Trunk Pacific Railway Company for the operation by such last mentioned company of said lines and for the maintenance and furnishing such equipment therefor as will reasonably provide for the requirements of the freight and passenger traffic thereon.

Standard of
construction

7. The said lines shall be constructed to a general standard not inferior to the standard of the main line of the Canadian Northern Railway between Winnipeg and Edmonton and to the satisfaction of the commissioner of railways, tele-

graphs and telephones of the said province; before the construction of any line is commenced the general route thereof shall be approved by the Lieutenant Governor in Council.

8. Any payment by the province of principal or interest on the said securities pursuant to the guarantee thereof shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed of trust securing the payment thereof but such liability shall remain unimpaired and enforceable by the province against the company; the province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities or of the said deed of trust prior to payment by the province under its guarantee and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

Payment by Saskatchewan not to release company from liability

9. Subject to the proviso in this section contained the deeds of trust (herein called "the original instruments") securing the securities hereby authorised to be guaranteed may provide for the issue from time to time and the ranking *pari passu* with said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule hereto and also of additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid not exceeding \$15,000 per mile of additional lines of railway in the province of Saskatchewan to be hereafter constructed by the company:

Provision for issue of additional securities

Provided always that before such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorised by the Legislative Assembly and that such guarantee shall have been given pursuant to such authorisation.

Proviso

10. Supplementary deeds of trust (hereinafter called "supplementary instruments") covering said additional lines and in form approved by the Lieutenant Governor in Council shall be taken to the trustees of the original instruments and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which together with the mortgaged premises covered thereby shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument formed but one instrument and as if all the securities issued and to be issued under the original or supplementary instrument were issued under the one instrument.

Supplementary instruments

Disposition
of moneys
realised
from
securities

11. All moneys realised by sale, pledge or otherwise of the securities hereby secured shall be paid directly by the purchaser, subscriber, pledgee or lender into the Canadian Bank of Commerce or such other bank or banks as the government may approve to the credit of a special account in the name of the treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or reissued and shall be secured by the said deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge; the balances at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company and the bank holding same and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed or to be fixed by contract between the government and the company; and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as the chief engineer of the department of public works or such other officer as the government may appoint shall certify as justified having regard to the proportion of work done upon the said respective lines of railway as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line; the balance, if any, of the proceeds of such securities at the rate of \$13,000 per mile of said lines respectively treated as separate lines which may remain after the completion of the said respective lines of railway shall be paid over to the company or its nominees; pending completion of the said respective lines the balance at the credit of such special accounts shall until paid out as above provided for be deemed part of the mortgaged premises under said deed of trust and shall not be taken to be public moneys received by the province.

SCHEDULE.

1. A line from a point on the western division of the Grand Trunk Pacific Railway in vicinity of township 22 range 6 west of the second meridian to Yorkton, a distance of about forty miles.
2. A line from a point on the western division of the Grand Trunk Pacific Railway between the 108th and 109th degrees of longitude to Battleford, a distance of about forty-five miles.
3. A line from a point on the western division of the Grand Trunk Pacific Railway in vicinity of township 22 range 6 west of the second meridian to Regina, a distance of about one hundred and ten miles.

1908-9

✓ CHAPTER 5.

An Act to amend The Railway Taxation Act.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

C. 32, s. 3,
1908
amended
Exemption
from
taxation in
favour of
guaranteed
companies

1. Section 3 of *The Railway Taxation Act* is amended by adding thereto the following:

"Provided further that no tax shall be payable under this or any other Act in respect of any railway or branch thereof in Saskatchewan which has been or may hereafter be aided by a guarantee of bonds, debentures, debenture stock or other securities under the provisions of any Statute for a period of fifteen years from the passing of this Act or from the date of the commencement of the operation of the line whichever shall last occur and thereafter during the currency of the guarantee as aforesaid the amount of taxes payable in Saskatchewan in respect of any such railway or branch thereof shall not exceed annually an amount equal to \$30 per mile of the mileage of such railway or branch thereof in Saskatchewan:

Proviso

Provided that the periods hereinbefore provided for shall not together exceed the full period of thirty years in respect of any railway or branch thereof.

Commis-
sioner
empowered
to enter
into
contracts

"(2) The commissioner of railways, telegraphs and telephones is hereby authorised to enter into a contract or contracts to carry out the intent and meaning of this section."

S. 13
repealed

2. Section 13 of the said Act is hereby repealed.

S. 15
amended

3. Section 15 of the said Act is amended by striking out the words "coming within and paying taxes" where they occur in the first and second lines thereof and by substituting therefor the words "subject to taxation" and by striking out the word "and" where it secondly occurs in the second line thereof.

✓
1908-9
CHAPTER 6.

An Act respecting Rural Municipalities.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Rural Municipality Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the Interpretation
expression:

1. "Commissioner" means the municipal commissioner for Commis-
Saskatchewan; sioner
2. "Municipality" means any rural municipality estab- Municipality
lished under the provisions of this Act;
3. "Division" means a division of a rural municipality; Division
4. "Council" means the council of a rural municipality; Council
5. "Reeve" means the reeve of a rural municipality; Reeve
6. "Councillor" means a member of the council of a rural Councillor
municipality;
7. "Resident elector" means:
 - (a) For the purpose of any municipal or other election Resident
provided by this Act held prior to the completion of elector
the first municipal voters' list or the organisation before
of a municipality any person of the full age of completion
of voters' list
of eighteen years who is actually residing in the muni-
cipality or proposed municipality, as the case may
be, and who has so resided therein and owned or
been the occupant of assessable property therein as
provided by this Act for a period of at least two
months immediately prior to the date of such
election;
 - (b) After the completion of the first municipal voters' Resident
list any person of the full age of eighteen years elector
actually residing in the municipality whose name after
appears on the municipal voters' list and who if so completion
required by resolution of the council has paid all of voters'
taxes due by him to the municipality as shown by list
the said list:

Provided that in no case shall the owner of land Occupant's
occupied by some person other than such owner be right
to vote

deemed to be a resident elector unless the area of such land exceeds three hundred acres in which case the owner if an actual resident of the municipality as well as the occupant shall be deemed to be a resident elector;

- Elector** 8. "Elector" means any person of the full age of eighteen years whose name appears on the municipal voters' list as the owner of assessable property in the municipality and who if so required by resolution of the council has paid all taxes due by him to the municipality as shown by the said list;
- Owner** 9. "Owner" includes any person who has any right, title or estate whatever or other interest than that of a mere occupant in any land in a rural municipality;
- Occupant** 10. "Occupant" includes the inhabitant occupier of any land in a rural municipality or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for sale and any person having or enjoying in any way for any purpose whatever the use of any land in a rural municipality;
- Person** 11. "Person" includes corporations, joint stock companies and partnerships;
- Secretary** 12. "Secretary" means the secretary or the secretary treasurer of the municipality;
- Treasurer** 13. "Treasurer" means the treasurer or the secretary treasurer of the municipality;
- Assessor** 14. "Assessor" means the assessor of the municipality;
- Municipal voters' list** 15. "The municipal voters' list" means the voters' list of the municipality or of any division thereof as finally revised;
- Land** 16. "Land" or "property" includes lands, tenements and hereditaments and any estate or interest therein;
- Public works** 17. "Public work" includes lands, streams, water courses and property real and personal acquired for public works, dams or dugouts erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any such public work;
- Felony** 18. "Felony" means any indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over;
- Misdemeanour** 19. "Misdemeanour" means any offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years and not less than two years;
- Hawker and pedler** 20. "Hawker" and "pedler" means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes

samples or patterns of any goods, wares or merchandise to be afterward delivered within the municipality to any person not being a wholesale or retail dealer in such goods, wares or merchandise, but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail.

3. Wheresoever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only. Definition of "herein"

4. Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice. Deviation from forms

5. Where power to make bylaws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others. Power to alter or revoke bylaws

6. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain things are to be done or proceedings had then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. Extension of time

7. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the commissioner may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired. Extension of time by order of commissioner

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

PART I.

Municipal Organisation.

AREA AND BOUNDARIES OF MUNICIPALITIES.

8. Every municipality shall in so far as the same is practicable comprise an area of 18 miles square or 324 square miles and all municipalities shall be laid out on a uniform plan as nearly as the conditions of the system of Dominion lands survey and the physical features of the province will allow. Area of municipality

9. Prior to the organisation of any rural municipality under the provisions of this Act the commissioner shall prepare Map of municipalities

a map of the province on which shall be outlined from time to time the area and boundaries of municipalities to be hereafter organised and such boundaries shall be fixed as provided in the next preceding section commencing at the south-eastern corner of the province.

Map open to inspection

10. The map thus prepared shall at all reasonable hours be open to inspection and the boundaries of every municipality petitioned for shall subject to such variations as may be approved by the commissioner correspond with those indicated on the said map.

AREA OF BOUNDARIES OF THE DIVISIONS OF MUNICIPALITIES.

Area of divisions

11. Every municipality prior to its organisation shall in so far as the same is practicable be divided by the commissioner into divisions of uniform shape and area and every such division shall be assigned a number and shall as nearly as the conditions of survey and the physical features of the province will allow comprise an area of 54 square miles which area (unless in the opinion of the commissioner there are special reasons to the contrary) shall be not less than nine miles in length from north to south and six miles in width from east to west.

ORGANISATION OF A MUNICIPALITY.

Application for petition

12. Whenever the residents of any portion of the province deem it advisable to take steps to organise a municipality in their neighbourhood they shall apply to the commissioner for a form of petition and for a plan showing the boundaries of the proposed municipality as indicated on the map referred to in section 9 hereof.

When acted upon

(2) No such application received by the commissioner in any year shall be acted upon by him unless it is received before the first day of July in such year.

Number of residents

13. No portion of the province shall be organised as a municipality unless it contains actually resident therein a population in proportion of one person to each square mile of the area of the proposed municipality.

The municipal committee

14. Every petition for the organisation of a municipality shall be in such form as is prescribed by the commissioner, shall be signed by five resident electors who shall be known as "The Municipal Committee" and shall be verified in such manner as the commissioner may direct.

Statement to accompany petition

15. Every such petition shall be accompanied by a statement signed by at least fifty resident electors setting forth that the subscribers thereof are desirous of having a vote taken to

determine whether or not the proposed municipality shall be organised as provided by this Act which statement shall be in such form as is prescribed by the commissioner.

16. Upon receipt of such petition and statement in due form the commissioner may forthwith authorise the municipal committee to proceed with an election as hereinafter provided and shall notify them of the divisions into which the proposed municipality is divided and of the boundaries thereof. Authorisation of election

17. Upon receipt of such authorisation the municipal committee shall forthwith: Committee to appoint time and place of poll

- (a) Fix a day, hour and place for holding the election for and against the organisation of a municipality, which day shall be not later than 30 days after the receipt of such authorisation;
- (b) Name a polling place for each division of the proposed municipality;
- (c) Appoint a suitable person to act as returning officer at the election for the organisation of the proposed municipality;
- (d) Appoint a deputy returning officer for each polling place one of whom may be the returning officer.

(2) The polling places shall be located as provided by section 99 hereof.

18. At an election for the organisation of a proposed municipality all proceedings at the poll and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the manner as nearly as may be as at an election of a reeve and council in an organised municipality. Proceedings as at other elections

19. It shall be the duty of the returning officer at least fourteen days prior to the day fixed for the election to post up a notice of such election which shall be in the form following, or to the like effect: Notices to be posted

MUNICIPAL ELECTIONS.

Public notice is hereby given that, pursuant to a petition forwarded to him, the Municipal Commissioner for Saskatchewan has authorised an election to be held to determine whether or not the following area shall be organised into a municipality, as provided by *The Rural Municipality Act*, namely: (*description of boundaries of proposed municipality*). Form of notice

That a vote of the resident electors for and against the organisation of the proposed municipality will be taken on (*day of week*) the day of 19 from nine o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) at the following places:

For Division No. 1 consisting of (*description of division*)
at (*name of polling place*).

(*Similarly describe other divisions and polling places.*)

And that I will at (*describe the place*), on (*day or week*) the
day of 19 at twelve
o'clock, noon, count and sum up the votes and declare the result
of the election.

Given under my hand at this
day of 19 .

.....
Returning Officer.

Where
notices to
be posted

(2) Every such notice shall be posted up in the places pro-
vided by subsection (2) of section 102 hereof.

No poll
clerk

20. In the case of every such election no poll clerk shall be
appointed but the deputy returning officer shall have and
perform all the powers and duties of a poll clerk under this Act.

Form of
ballot
paper

21. The returning officer shall cause to be printed or pre-
pared a supply of ballot papers to be used for voting for or
against the organisation of the municipality which ballot
papers may be in the following form:

FOR	
AGAINST	

Directions
to voters

22. The returning officer shall before the day of polling
deliver or cause to be delivered to every deputy returning
officer printed directions for the guidance of voters, which
directions shall be supplied by the commissioner and shall
be in such form as he shall direct.

Form of
poll book

23. The poll book for the purposes of the election for the
organisation of a proposed municipality may be in the follow-
ing form:

POLL BOOK.

For Division No. of the proposed municipality of
Record of Election held this day of
19

Name of voter	Voted	Remarks

24. The persons entitled to vote at the election for the organisation of a proposed municipality shall be the resident electors thereof; and every person who presents himself for the purpose of voting shall be required by the deputy returning officer before he is handed a ballot paper to sign a declaration that he is a qualified resident elector which declaration shall be in such form as is prescribed by the commissioner. Who may vote

(2) The returning officer if otherwise qualified to vote at the election may vote but he shall have no casting vote.

(3) Every person who signs such declaration shall be entitled to vote.

(4) Every resident elector shall be entitled to vote only in the division in which he actually resides.

(5) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

25. On the application of any person interested in promoting or opposing the organisation of the municipality the returning officer or deputy returning officer shall authorise the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes. Scrutineers

26. Whenever a person presenting himself to vote has signed the said declaration the deputy returning officer shall immediately enter the name of such person in the poll book and hand to such person a ballot paper which shall be signed on the back by the initials of the deputy returning officer. Name of voter entered in poll book

27. At the close of the poll the deputy returning officer shall sum up the number of votes cast for and against the organisation of the proposed municipality and shall enter a statement thereof in the poll book; and all the ballot papers used or that were intended to be used in voting for or against the organisation of the proposed municipality shall in all respects be dealt with in the manner provided by section 146 hereof respecting other ballot papers. Summing up votes

28. Each deputy returning officer shall inclose in the ballot box with the other packets the declaration signed by the voters in his polling division. Declaration to be enclosed in ballot box

29. The returning officer shall at the time and place appointed count and sum up the votes cast for and against the organisation of the proposed municipality and shall publicly declare the result. Declaration of result of election

30. In case of a recount of the votes polled at an election for the organisation of a proposed municipality the judge Statement by judge on recount

shall in lieu of the statement required by clause 9 of section 157 hereof transmit to the returning officer a statement showing the number of votes allowed by him for and against such organisation.

Equality of votes (2) In case of an equality of votes for and against organisation on a recount by a judge such judge shall not take any action to decide the election.

Returning officer to be secretary **31.** Until such time as the municipality is declared to be organised the returning officer shall have and exercise all the powers and duties of such secretary as prescribed by sections 151 to 157 inclusive hereof.

Statement to be sent to commissioner **32.** At the expiration of the five days provided by section 155 hereof if no recount has been applied for or if a recount has been applied for forthwith after the returning officer has received from the judge a statement of the result of the recount the returning officer shall transmit to the commissioner a written statement of the result of the election which statement shall be in such form as is prescribed by the commissioner.

Equality of votes defeats organisation **33.** In case the statement received by the commissioner shows an equal number of votes for and against the organisation of a proposed municipality the result of the election shall be deemed to be against such organisation.

Commissioner to declare municipality organised **34.** Upon receipt of such statement and upon being satisfied that the provisions of this Act have been substantially complied with the commissioner if the result of the election was in favour of the organisation of the proposed municipality shall by written order:

(a) Declare the municipality to be organised and assign to it a name and number;

(b) Declare the divisions into which the municipality has been divided and assign to each division a number.

(2) Such order shall take effect only on, from and after the second Monday of December next following the date of such order.

(3) A notice of such order shall be sent by the commissioner to the municipal committee.

Notice of organisation. **35.** Notice of the organisation of a municipality giving its name and number and a description of its boundaries and the boundaries of its several divisions shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the organisation of the municipality of the date

provided by the section last preceding and that all the necessary formalities required by this Act have been complied with.

36. In case there is a majority of votes against the organisation of a proposed municipality at any election all reasonable expenses necessarily incurred in connection with such election shall after the accounts therefor have been approved by the municipal committee be apportioned by the returning officer at such election among the local improvement districts including any large local improvement district which in whole or in part were within the boundaries of such proposed municipality in proportion to the area of each included in such proposed municipality; and unless paid within ten days after demands made on such local improvement districts as aforesaid by such returning officer the respective sums may be sued for and recovered from the local improvements districts as a debt due from them to the returning officer.

Expenses
when
result
against
organisation

37. The following fees and expenses and no others shall be allowed to the several officers mentioned respectively for their services and disbursements at the election for the organisation of a municipality and the first election of a reeve and council:

To returning officers:

1. When no poll held..... \$20
2. When poll held..... \$35
3. For necessary printing, the actual reasonable cost.
4. For providing ballot boxes, the actual reasonable cost.

To deputy returning officers:

5. When poll held \$5
6. For providing polling booth, the amount actually paid or agreed to be paid, not exceeding..... \$3

ALTERATIONS IN BOUNDARIES OF MUNICIPALITIES.

38. The commissioner may by order notice of which shall be published in *The Saskatchewan Gazette*:

Alteration
of
boundaries
of municip-
alities

1. Sever any portion of a municipality and annex the same to any adjoining municipality;
2. Annex to any municipality any outlying area adjacent to but not included within the limits of any municipality;
3. Alter and adjust the boundaries of two or more coterminous or adjacent municipalities;
4. Withdraw from any municipality any area established as a village under the provisions of *The Village Act*;

39. In the event of the boundaries of any municipality being altered in any manner as provided in the next preceding

Adjustment
of matters
in case of
change of
boundaries

section the commissioner shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration including the disposition of the assets and liabilities of the municipalities affected and every decision of the commissioner approved of as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned.

ALTERATIONS IN BOUNDARIES OF DIVISIONS.

Change of
division
boundaries

40. Upon the receipt of a petition from the council of any municipality the commissioner may by order notice of which shall be published in *The Saskatchewan Gazette* alter and adjust the boundaries of one or more of the divisions of such municipality.

MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES.

Errors in
boundaries

41. No order purporting to be made under sections 34 or 38 of this Act shall be deemed invalid on account of any noncompliance with any of the matters required by the said Act as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in any wise suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

Correction
of errors

42. Any misdescription or other error in any order made by the commissioner under the provisions of this Act may by any subsequent order be corrected and confirmed with such correction as of the date in which it was made by the commissioner.

BOUNDARY LINES OF MUNICIPALITIES AND DIVISIONS.

Boundary
lines

43. For the purposes of this Act whenever any municipality or division is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Dominion lands survey the boundary lines of such municipality or division except as varied by the description given in the notice required by section 35 hereof shall be the posted side of the road allowance between adjoining sections or townships except in the case of correction lines where the south side of the road allowance shall be the boundary.

(2) Any road allowance between an Indian reserve and a municipality shall be deemed to be in the municipality notwithstanding anything herein to the contrary.

DISORGANISATION OF MUNICIPALITY.

Disorgani-
sation

44. The Lieutenant Governor in Council may by order notice of which shall be published in *The Saskatchewan Gazette*

declare that on and after a day therein to be named any municipality shall be disorganised and thereupon the same and the council thereof shall cease to have or enjoy any of the rights, powers and privileges vested in such corporations by this Act; and upon any such disorganisation of a municipality the commissioner may appoint one or more persons to adjust and settle the assets and liabilities of such municipality; and such person or persons so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such municipality and apply the same so far as the same will extend, first in payment of the liabilities of the said municipality and second in payment of his or their remuneration as hereinafter mentioned and divide the surplus, if any, *pro rata* among the electors of the said municipality entitled to share therein; and in case the amount so realised shall be insufficient to pay and satisfy the liabilities of the said municipality and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment of in the same manner as a council and its officers are authorised to do by this Act such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the commissioner.

HAMLETS.

45. In case at the time of the organisation of a municipality there is comprised within its limits any area of land which has been subdivided into building lots or as a townsite and a plan of which has been registered in the land titles office of the land registration district in which it is situated such area shall be known as a hamlet and it shall be under the control of the municipal council.

Organisation
of hamlets

46. Subsequent to the organisation of a municipality the registration of any plan as aforesaid shall at once create the area described in such plan a hamlet which shall be under the control of the council of the municipality in which it is situated.

Organisation
of hamlet

47. The property in every hamlet shall be subject to assessment and taxation by the municipality in the manner herein-after provided and the council shall each year cause at least one-half of the amount of the taxes estimated to be collected within such hamlet for municipal purposes to be expended in public works within the hamlet.

Half
amount
collected in
in hamlet
to be spent
therein

PART II.

Municipal Council.

CONSTITUTION OF COUNCIL.

Constitution of council **48.** The council of every municipality shall consist of a reeve who shall be the head thereof and of one councillor for each division.

Term of office **49.** Every reeve and every councillor shall hold office for one year.

OATHS OF OFFICE.

50. Every member of the council and every officer of the municipality shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

Form of oath of office

I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office (*inserting the name of the office*) to which I have been elected (*or appointed as the case may be*) in this municipality and that I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office and that I have not by myself or partner either directly or indirectly any investment in any contract with or on behalf of the said municipality except that arising out of a contract for the publication of any advertisement in a public newspaper, save and except that arising out of my office as (*naming the office*). So help me God.

Deposit of form of oath

51. The person making such declaration shall before entering upon the duties of his office deposit the same in the office of the secretary:

Provided that in the case of the councillors first elected for any municipality the said declaration shall be handed to the reeve at the first meeting of the council to be afterwards deposited by him with the secretary of the municipality.

COUNCIL A CORPORATION.

Municipality a body corporate

52. Every municipality is hereby declared a body corporate and the name of the body corporate shall be "The Rural Municipality of (*naming the same*) No ."

CHANGE OF NAME.

Change of name

53. The commissioner may from time to time alter the name of any municipality upon the petition of the council and notice of such alteration shall be published in *The Saskat-*

chewan Gazette; and in such case the seal theretofore used by such municipality shall continue to be the seal thereof until changed by the council.

54. No change in the name of any municipality made in accordance with the provisions of the next preceding section shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change. ^{Effect of change}

MEETINGS OF COUNCIL.

55. The first meeting of each council shall be held on the first Monday in January except when that day is a public holiday in which case such meeting shall be held on the next subsequent day which is not a public holiday and the council of the previous year shall hold office until the new council meets: ^{First meeting of council}

Provided however that the first council elected in any municipality shall hold office from the date of the election. ^{Proviso}

(2) Such meeting shall be held at such hour and place as shall be fixed by the reeve and written notice of such meeting shall be given by the reeve to each member of the council by mailing the same to his address at least eight clear days prior to the date of such meeting or by delivering it to each councillor personally or in the absence from his residence of any councillor to any adult person thereat at least three clear days prior to the date of such meeting. ^{Time and place of meeting}

56. The council may at any meeting at which all the members of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary. ^{Regular meetings}

57. A special meeting of the council shall be called by the secretary of the municipality when he is required so to do in writing by the reeve or by any three members of the council and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary in the manner provided by section 55 hereof. ^{Special meetings}

(2) No business other than that stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present in which case by unanimous consent any other business may be transacted.

58. The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time but every member of the council must be present at such meeting. ^{Waiver of notice of meeting}

Place of
meeting

59. Every meeting of the council shall be held either in the municipality or in some city, town or village the area of which touches at some point the limits of the municipality:

Provided that by the unanimous consent of the council its meetings may be held at any point outside the limits of the municipality.

PROCEEDINGS AT MEETINGS.

Regulations
and bylaws
for
government
of proceed-
ings

60. Every council may make rules and regulations for governing its proceedings, calling meetings, the conduct of its members, appointing committees and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act.

Quorum

61. A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum.

Reeve to
preside

62. The reeve shall preside at every meeting of the council and he shall preserve order and enforce the rules of the council.

Deputy
reeve

63. The council shall at its first meeting and every three months thereafter elect one of their number as deputy reeve who shall hold office for three months or until his successor be appointed and in case the reeve through illness, absence or any other cause is unable to perform the duties of his office or in case the office is vacant the deputy reeve shall have all the powers of the reeve.

Chairman to
preside

64. In the absence of the reeve and deputy reeve from any meeting another member of the council shall be elected as chairman to preside at such meeting.

No act
valid unless
adopted
at regular
meeting

65. No act or proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council.

Motions
need not be
seconded

66. Every question shall be submitted to the council on the motion of the reeve or any member thereof and no seconder shall be required.

Question
decided by
majority

67. At every meeting of the council all questions shall be decided by the majority of the votes and the reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative.

Members of
council
must vote

68. The reeve when present and all the councillors present shall vote in council on every division.

69. The council shall hold its ordinary meetings openly ^{Meetings to be open} and no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who is guilty of improper conduct at such meeting.

REEVE.

70. The reeve shall be the chief executive officer of the ^{Duties} municipality and it shall be his duty to be vigilant and active in causing the laws governing the municipality to be duly executed, to inspect the conduct of all municipal officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipality.

71. The reeve may suspend any municipal officer and he ^{Power of suspension} shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension.

72. The reeve may at any time and from time to time by ^{Appointment of special constables} writing under his hand appoint and engage one or more special constables within the municipality for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council.

73. If so requested at any time by the written petition of ^{Public meeting} twenty electors the reeve shall by public notice conspicuously posted in at least ten widely separated places in the municipality call a public meeting of the electors for the discussion of municipal affairs or of any matter relating thereto.

74. Every council may pass a resolution for paying the ^{Payment of council} members thereof a sum not exceeding \$4 per diem for the reeve and \$3 per diem for each councillor for each meeting and ten cents for every mile necessarily travelled in coming to and returning from such meetings of the council:

Provided that the total number of meetings for which each councillor may be paid during the year for which he is elected shall not exceed fifteen in each year:

And provided further that in case any meeting of the council is held outside the limits of the municipality no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipality.

COMMITTEES.

Committees **75.** The council may from time to time appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation and may delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council except the power to borrow money, pass a bylaw or enter into a contract.

(2) Every committee to whom any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

(3) Every such committee shall be subject in all things to the council and shall carry out all directions given to it by the council.

VACANCIES.

Resignation **76.** Any reeve or councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary and every such notice shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

Declaration of vacancy **77.** If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in the province respecting insolvency or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three consecutive months without being authorised by a resolution of the council the seat of such person in the council shall forthwith become vacant.

Vacancy **78.** If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year such election shall not take place.

APPOINTED COUNCILLORS.

Commissioner may appoint councillor **79.** Whenever the residents of any division of a municipality constituted under this Act neglect or refuse to elect a councillor the commissioner may appoint some one to act as councillor in such division.

Lieutenant Governor in council may appoint whole council **80.** The Lieutenant Governor in Council may at any time appoint some person to act as councillor for one or more of the

divisions of a municipality or may appoint some person or persons to act as reeve and councillors for all the divisions of the municipality and every such person so appointed shall have all the powers and authorities conferred by this Act on elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

(2) Upon the appointment of any person or persons as aforesaid the person or persons, as the case may be, previously elected as members of the council and in whose stead such appointment or appointments were made shall cease to hold office.

PART III.

Municipal Elections.

FIRST ELECTION FOR REEVE AND COUNCILLOR.

81. In the case of every municipality declared by the commissioner to be organised as of the second Monday of December, 1909, the municipal committee shall by resolution at least two weeks prior to the last Monday of November:

Nomination
meeting
for first
election

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer;
- (c) Name a polling place for each division;
- (d) Appoint a deputy returning officer for each polling place.

82. In case a member or members of the municipal committee dies or leaves the municipality before the passing of the resolution provided for in the last preceding section or refuses or is unable to act the remaining member or members may appoint another resident elector or electors in the place of the member or members so dying or leaving the municipality or refusing or being unable to act; and such remaining member or members together with those so appointed shall thereafter be the municipal committee.

Appoint-
ments to
committee

(2) Whenever it appears to him necessary or expedient the commissioner may appoint one or more persons to act in the place of the municipal committee in any municipality; and such person or persons shall have and exercise all the duties and powers of the municipal committee and upon any such appointment the municipal committee in such municipality shall cease to have the powers vested in it herein.

Commis-
sioner
may appoint
person to
supersede
committee

83. In the case of any municipality declared to be organised after the first day of January, 1910, the council of the local

Local
improve-
ment
council

to be
committee
after
January 1,
1910

improvement district organised into such municipality shall have and exercise all the duties and powers of the municipal committee.

Returning officer to be secretary

84. Until such time as a secretary is appointed the returning officer at the first election for a reeve and councillors in a municipality shall have and exercise all the powers and duties of such secretary as prescribed by sections 151 to 157 inclusive hereof.

THE MUNICIPAL VOTERS' LIST.

Payment of taxes before voting

85. On or before the first day of October in each year the council shall determine by resolution whether or not the payment of all taxes due to the municipality by all persons whose names appear on the last revised assessment roll thereof shall be required to entitle such persons to qualify as resident electors or electors of the municipality, as the case may be, as defined by clauses 7 and 8 of section 2 hereof.

(2) A certified copy of every such resolution shall be forthwith transmitted by the secretary to the treasurer of the municipality.

(3) In case for any cause such resolution is not passed by the council the payment of taxes shall not be deemed to be a qualification for resident electors and electors.

Voters' list

86. The treasurer of every municipality shall on or before the first day of November in each year prepare a list of all persons whose names appear on the last revised assessment roll of the municipality and such list which shall be in the form following shall be arranged according to the divisions of the municipality and shall be known as "The Municipal Voters' List":

Voters List of the Rural Municipality of _____No.

Division No. _____

For the year 19_____

[illegible]

Particulars

87. In preparing the said list for each division of the municipality the treasurer shall enter in the appropriate

columns of the form prescribed the following particulars which shall be taken from the last revised assessment roll of the municipality:

1. The names of all persons assessed in the division arranged alphabetically according to their surnames;
2. A brief description of the land or other property for which each such person is assessed;
3. The word "occupant" or "owner," as the case may be;
4. The word "resident" or "nonresident," as the case may be;
5. The number of acres for which each such person is assessed;
6. The word "paid" if such person has paid all taxes due by him to the municipality when the payment of taxes is required by the council as a qualification for voting.

88. When the said list has been prepared as provided in the next preceding two sections the treasurer shall immediately after the last name on the list for each division write the words "certified correct" followed by his signature and the date on which such certificate is made which date shall not be later than the first day of November as aforesaid. Treasurer's
certificate

89. The treasurer shall then forthwith make a true and correct copy of the said list and post the same in his office and such copy or the original thereof shall be open to inspection by any person at all reasonable hours. Post copy
of list in
treasurer's
office

90. In case through inadvertence or otherwise any mistake, error, wrongful entry or omission whatsoever has been made in the said original list or copy it shall be the duty of the treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission to revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names unless the said notification is received by the treasurer at least seven clear days prior to the date fixed for the annual election in the municipality and unless the last revised assessment roll of the municipality when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the said notification. Revision
of list

(2) In the event of the payment of taxes being fixed by the council as a qualification for voting as herein provided it shall be the duty of the treasurer to revise the said original list and copy thereof from time to time by adding the word "paid" in the proper column after the name of every person who pays all taxes due by him to the municipality at any time prior to seven clear days before the date fixed for the annual election in the municipality.

(3) Every revision of the said original list and the said copy by way of alteration, correction or addition shall have placed opposite it the date of such revision and the initials of the treasurer.

Penalty for
treasurer

91. Any treasurer who refuses or neglects to prepare the said list as herein provided or who neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipality or who neglects or fails to enter in the said list any other particular as provided herein or who enters in the said list the name of any person that does not appear in the said roll or who refuses, fails or neglects to revise the said list in any particular as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the treasurer is required to prepare.

ANNUAL ELECTION.

Annual
election

92. There shall be held annually in every municipality an election for reeve and councillors which election shall be conducted at the time and in the manner hereinafter provided.

QUALIFICATION OF COUNCILLORS.

Qualification
of reeve and
councillors

93. The persons eligible for election as reeve or councillor shall be the male ~~resident~~ electors of the municipality who are of the full age of 21 years, who have paid all taxes due by them to the municipality and who are British subjects or who shall have made a statutory declaration of their intention to become such which declaration shall be in the form following:

CANDIDATE'S DECLARATION OF INTENTION.

Canada:
Province of Saskatchewan } I of
To wit: } in the province of Saskatchewan,
(*occupation*) do hereby solemnly declare:

1. That I am not a British subject;
2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualification of residence to be naturalised and that it is my intention to become naturalised as a British subject as soon as the conditions of qualification by residence permit me to do so;
3. That I am in all other respects than naturalisation eligible and qualified for election as a reeve or councillor of a rural municipality.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at
in the Province of Saskatchewan
this day of
A.D. 19 .

.....
A J.P., N.P. or Commissioner for Oaths.

94. No secretary, treasurer, assessor, auditor, constable or other paid official of the municipality, no inspector of licenses, no person having by himself or his partner any interest in any contract with or on behalf of the municipality or being indebted to the municipality, no surety for an officer or an employee of the municipality and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for more than five years shall be qualified to be a member of the council. Disqualification

95. No person shall be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the municipality or by reason of his having a contract for the publication of any advertisement in a public newspaper. Shareholder not disqualified

96. No person may be elected as a member of the council for more than one division of a municipality. Member of council to represent only one division

MEETINGS FOR NOMINATION OF COUNCIL.

97. In the case of all annual elections subsequent to the first election for a reeve and councillors the council shall by resolution at least two weeks prior to the last Monday of November in each year: Provision for annual nomination meeting

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer;
- (c) Name a polling place for each division;
- (d) Appoint a deputy returning officer for each polling place.

98. The place named for holding every nomination meeting shall be within the municipality or within some city, town or village the area of which touches at some point the limits of the municipality. Place of nomination

99. The place named as a polling place for any division shall be within such division or within some city, town or village the area of which touches at some point the limits of the division. Place of polling

Hour of
meeting

100. Every annual meeting called for the nomination of members of a council shall be held from one o'clock to two o'clock in the afternoon (mountain standard time) of the first Monday of December in each year.

ELECTION OFFICIALS' DECLARATION.

Officials'
declaration

101. Every returning officer shall before entering upon the duties of his office take and subscribe before a justice of the peace or a commissioner for oaths, the oath in the form following and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before the returning officer or any person authorised to administer oaths within the province the said oath.

FORM OF OATH.

Canada
Province of Saskatchewan } I,
To wit: } of in the Province
of Saskatchewan, do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the municipality of on the
day of A.D. 19 ; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.
Sworn before me at
in the Province of Saskatchewan }
this day of 19 }

.....
A J.P., N.P. or Commr. for Oaths.

Posting
notices

102. It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

NOTICE FOR NOMINATION FOR ELECTIONS.

Rural Municipality of No.
Municipal elections 19 .

Public notice is hereby given that a meeting of the electors of the rural municipality of No. will be held at (*description of place*) on (*day of week*) the day of 19 , from one o'clock to two o'clock in the afternoon (mountain standard time) for the purpose

of nominating candidates for the offices of reeve of the municipality and a councillor for each division.

Given under my hand at
this day of

A.D. 19 .

.....

Returning Officer.

(2) Every such notice shall be posted in at least two widely separated conspicuous places in each division of the municipality. In case there is a post office in any division one of the said notices shall be conspicuously posted therein and in case there are two or more post offices in any division the said notice shall be conspicuously posted in each of them.

PROCEEDINGS AT NOMINATION MEETING.

103. At the time and place named in the notice the ^{Nomination} returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as reeve and councillors for the municipality and the meeting shall remain open until two o'clock in the afternoon (mountain standard time) when if only one candidate is nominated to serve as reeve the returning officer shall declare the candidate so nominated duly elected; and if the number of persons nominated to serve as councillors for each division does not exceed the number required to be elected the returning officer shall declare the persons so nominated duly elected.

104. Every nomination for reeve and councillor shall be in ^{Nomination} writing in the form following and shall be signed in the case of reeve by at least five resident electors of the municipality and in the case of councillors by at least two resident electors of the division.

NOMINATION PAPER.

We, the undersigned resident electors of the Rural Municipality of No. hereby nominate
(*name, residence and occupation of the person nominated*) as
a candidate at the election now about to be held of a reeve for
the said municipality (*or a councillor for Division No.*
of the said municipality as the case may be).

Witness our hands this day of
19 .

.....

.....

Signatures of Resident Electors.

CANDIDATE'S ACCEPTANCE.

I, the said _____, nominated in the foregoing nomination hereby state that I am eligible to such nomination and that I will accept the office if elected.

Signed in the presence of }
 } *Name of Candidate.*
Name of Witness.

Statement
of eligibility
and consent

105. Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for nomination as provided by section 93 hereof and that he will accept office if elected.

Place and
date of
poll

106. In the event of more than the required number of persons being nominated for any division or divisions the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next week following) and the place within each division where the votes are to be polled and also the time and place at which the result of the polling will be declared.

Withdrawal

107. Any candidate nominated may withdraw at any time within forty eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

Notice that
there will
be no poll

108. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the polling for such office shall not take place and the returning officer shall forthwith post up a notice in the following form and such notice shall be given in such divisions of the municipality as may be required in the manner provided by section 102 hereof:

NOTICE.

Rural Municipality of _____ No. _____ Municipal
Elections 19 _____ Division No. _____

Whereas _____ nominated for the office of _____ has
withdrawn his candidature for the said office, leaving the
only candidate, therefore I hereby give notice that no voting
for the said office will take place on the _____ day of (*date*
of polling).

Dated under my hand at _____ this _____ day
of _____ 19 _____

.....
Returning Officer.

TIME AND NOTICE OF POLL.

109. Whenever a poll is required to be taken for the election of a reeve or councillor it shall be held on the same day of the week as the nomination for the said election but in the next week following and every such poll shall be open from the hour of nine o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) in each division of the municipality when the election is of a reeve and in each division of the municipality in which a poll is required to be held for the election of a councillor.

110. Notice of every such poll required to be taken shall within seventy-two hours after the nomination be posted up by the returning officer in the manner provided by section 102 hereof and every such notice shall be in the form following:

NOTICE OF POLL.

Rural Municipality of No. Municipal Elections 19 .

Public notice is hereby given that a poll has been granted for the election of a reeve for the municipality and of a councillor for divisions No. (as the case may be) for the year 19 and the polling will take place on (day of week) the day of 19 from nine o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) at (specify polling places) and that I will at (describe the place) on (day of week) the day of 19 at noon sum up the votes and declare the result of the elections.

Given under my hand at this day of 19 .

.....
Returning Officer.

PREPARATIONS FOR POLL.

111. If so authorised by the council the returning officer and each deputy returning officer may appoint a poll clerk who in the absence of the returning officer or deputy returning officer for any cause shall have all the powers of the said returning officer or deputy, as the case may be.

112. The returning officer shall procure for each division of the municipality a suitable ballot box to be made of some dry durable material and each box shall be provided with a lock and key and shall be so constructed that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

Ballot papers

113. The returning officer shall also cause to be printed or prepared a supply of ballot papers sufficient for the purposes of the election.

Printed or written

114. The ballot papers shall be either printed or written or partly printed and partly written and separate ballot papers of different colour shall be provided for the election of reeve and councillors.

Form for reeve

115. The ballot papers for the election of a reeve shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

REEVE.	
Allen, Charles	
Brown, John	
Clark, John	

Form for councillor

116. The ballot papers for the election of councillors shall be prepared for each division of the municipality and shall contain the names of the candidates duly nominated for each such division arranged alphabetically in the order of their surnames and shall be in the following form:

COUNCILLORS: DIVISION NO.....	
Black, William	
Foster, Henry	
Smith, Frank	

Supplies for deputy returning officers

117. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the division for which such deputy returning officer shall have been appointed to act and such other materials as are necessary in order to enable the electors to mark their ballot papers.

Directions for voters

118. The returning officer shall before the opening of the poll cause to be prepared such number of printed directions

for the guidance of voters in voting as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes or at any other place within the division which contains the name of such candidate.

The voter will fold up the ballot paper so as to show the initials of the deputy returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer who will give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot paper will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

PROCEEDINGS OF POLL.

119. On the day fixed for the taking of a poll the deputy ^{Deputy} returning officer shall be present at the polling booth in his ^{returning} division at least fifteen minutes before the time fixed for opening the poll. ^{officer}

120. Every polling booth shall be furnished with a ^{Voting} compartment (which may be arranged by hanging a screen) ^{compartment} in which the voters can mark their ballots without being seen and it shall be the duty of the deputy returning officer to see that such compartment is provided.

121. Every deputy returning officer shall before the ^{Posting} opening of the poll cause to be posted on the outside of the ^{directions} entrance to the polling booth as well as in the compartment in the polling booth a copy of the directions referred to in section 118 hereof.

Secretary
to furnish
copies

122. The secretary shall prior to every election furnish every returning officer with at least two copies of section 118 hereof and it shall be the duty of the deputy returning officer to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

Secretary
to furnish
copies of
voters' list

123. Except in the case of elections held prior to the completion of the municipal voters' list it shall be the duty of the secretary of the municipality to furnish to the returning officer for distribution to his deputies such number of copies of the said list as the returning officer may require.

Pollbook

124. The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll and such poll book shall be in the following form:

POLL BOOK.

For Division No. of the Rural Municipality of
No. Record of Election held this day
of 19 for the election of (*state purpose of
election*).

Name of Voter	His No. on Voters List	Voted for		Sworn or Refused to Swear	Remarks
		Reeve	Coun- cillor		

Agents

125. Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognised as such by the deputy returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

Persons
present in
polling
booth

126. The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for reeve, any candidate for councillor and not more than two agents of any such candidate and one voter.

Opening of
poll

127. At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated.

128. The persons entitled to vote for reeve or councillor shall be the resident electors of the municipality.

Persons
entitled
to vote

(2) In the case of an annual or general election each resident elector shall be entitled to vote once only for reeve and every such resident elector may vote for one councillor only in each division of the municipality in which his name appears on the municipal voters' list.

One vote for
reeve

Vote in each
division for
councillor

(3) In the case of any special election for the election of a councillor in any division of the municipality each resident elector whose name appears on the municipal voters' list for such division shall be entitled to vote.

Vote at
special
election

DECLARATION OF RESIDENT ELECTORS.

129. In the case of every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper or papers to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration.

Vote prior
to first
voters' list

Taken this day of 19 The undersigned severally declare each for himself:

1. That he is of the full age of eighteen years;
2. That he is actually residing in the rural municipality of No. and that he has so resided therein for the two months immediately prior to this election.

3. That during the whole of the said two months he has been the owner or occupant of assessable land in this division, being division No. of the said municipality, a description of which land is set opposite his name.

Name	Land Voted On

(2) At such election each person signing the said declaration shall be entitled to vote once only for reeve and every such person may vote for one councillor only in each division of the municipality in which he signs the said declaration.

(3) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

Voters' name must be on voters' list

130. In the case of every election held subsequently to the completion of the first municipal voters' list the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting under a name apparently intended for such person is on the municipal voters' list supplied to him by the returning officer and (if so required by resolution of the council) that all taxes due by such person to the municipality have been paid; and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

Voters must pay taxes

(2) The deputy returning officer shall not permit to vote any person whose name does not appear on the said list nor any person whose name does appear on the said list unless (if so required by resolution of the council) all taxes due by such person to the municipality are shown by the said list to have been paid or unless such person produces to the deputy returning officer an official receipt from the treasurer of the municipality to the effect that all taxes due by such person to the municipality have been paid.

Swearing voter on demand of agent

131. Before a ballot paper or papers is or are handed by the deputy returning officer to any voter he shall ask if there is any objection to allowing the person before him to vote and in case any candidate or his agent objects it shall be the duty of the deputy returning officer to administer to such person the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) by the name of

in the municipal voters' list now shown to you (*showing the list to the voter*); that you are of the full age of eighteen years; that you are actually residing within the municipality; that you have not voted before in this division for a councillor (*and if ballot paper for reeve is asked for or for a reeve*) in any division of this municipality at this election; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election; that you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

Entry of oath on poll book

132. If the voter takes the said oath the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact.

133. Whenever a voter is required to take the said oath and he refuses to do so the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever. Refusal of voter to be sworn

134. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner heretofore provided the deputy returning officer shall sign his initials on the back of the ballot paper or papers to which such person is entitled and hand the same to him. Deputy returning officer to initial ballot paper

135. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting. Explanation of method of voting

136. In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper the deputy returning officer shall in plain view of the candidates or their agents cause the vote of such person to be marked on a ballot paper or papers for the candidate or candidates directed by such person and shall cause the ballot paper or papers to be deposited in the ballot box. Incapacity of voter

137. Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by section 134 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid. Penalty for omission to initial ballot paper

138. When the name of any resident elector appears on the municipal voters' list for more than one division of the municipality he shall vote for reeve in that division of the municipality in which he actually resides. Vote for reeve

139. Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50. Penalty for double vote

140. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. Evidence of voting

141. Upon receiving from the deputy returning officer the ballot paper or papers prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and Method of voting

shall then and there mark his ballot paper or papers in the manner mentioned in the directions contained in section 118 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without showing the front to anyone or so displaying the ballot paper as to make known to any person the name of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

(2) Whenever the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of this section the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter's name the word "voted."

**Secrecy of
vote**

142. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

**Forfeiture
of right to
vote**

143. No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

**Voter may
obtain
second
ballot
paper**

144. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the returning officer the ballot paper so inadvertently dealt with receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall

immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same.

PROCEEDINGS AT CLOSE OF POLL.

145. Immediately at the hour of four o'clock (mountain ^{Close of} standard time) the deputy returning officer shall declare the ^{poll} poll closed:

Provided that in case when the poll is so closed there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

146. Immediately after the close of the poll the deputy ^{Opening} returning officer shall in the presence of the poll clerk, if ^{ballot box} any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed as follows:

1. He shall examine the ballot papers individually and any ^{Counting} ballot paper which is not initialled as herein provided or on ^{votes} which more than one vote is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;

2. The deputy returning officer shall take notice of any ^{Objections} objection made by a candidate or his agent or any elector ^{to be noted} authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

3. The deputy returning officer shall then count up the ^{Count} votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The number of the division and the name and number of the municipality and date of election;
- (b) The number of persons who voted at the polling booth;
- (c) The number of votes for each candidate for reeve;
- (d) The number of votes for each candidate for councillor;
- (e) The number of ballot papers supplied to the deputy returning officer;
- (f) The number of rejected ballot papers for reeve;
- (g) The number of rejected ballot papers for councillor;

(h) The number of cancelled ballot papers and ballot papers marked "refused;"

**Signed
statement**

4. Upon completion of the written statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof and such written statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same;

**Certificate
of count**

5. Every deputy returning officer upon being requested so to do shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers;

**Sealing
packets of
ballot
papers**

6. The deputy returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) The ballot papers counted for reeve;
- (b) The ballot papers rejected for reeve;
- (c) The ballot papers counted for councillors;
- (d) The ballot papers rejected for councillors;
- (e) The unused, cancelled and rejected ballot papers;

**Statement
of deputy
returning
officer**

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, _____ the deputy returning officer for Division No. _____ of the Rural Municipality of _____ No. _____ do hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll book have been correctly made.

Dated this _____ day of _____ 19 _____.

.....
Witness. . Deputy Returning Officer.

**Sealing
ballot box**

8. The deputy returning officer shall then place all the said packets together with the poll book and the municipal voters' list used by him in the ballot box which shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

**Delivery to
returning
officer**

147. The deputy returning officer of each division shall forthwith deliver to the returning officer the sealed ballot box

and the duplicate of the written statement entered in the poll book and upon receipt of the same the returning officer shall give to such deputy a receipt therefor.

148. At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 146 hereof required to be taken by a deputy returning officer and shall make and initial all necessary corrections in the statement entered in the poll book.

Returning officer to count and sum up ballots

(2) In case the ballot box used in any division has been lost or destroyed the returning officer shall use the duplicate written statement delivered to him by the deputy returning officer for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

Ballot box lost or destroyed

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under subsection (2) of this section and shall publicly declare to be elected the candidate having the highest number of votes for each office to be filled.

Declaration of election

149. In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

Returning officer's casting vote

150. Except in such case no returning officer shall vote at any election.

And no other

151. Forthwith after the election the returning officer shall transmit to the secretary of the municipality the sealed ballot boxes and duplicate written statements used in the election and thereafter the said secretary shall be responsible for their safe keeping and for their delivery when needed.

Transmission of ballot boxes, etc., to secretary

152. The secretary of the municipality shall unless otherwise ordered by the judge of the district court of the judicial district within which the municipality is wholly or mainly situated retain for two months the said ballot boxes with their seals unbroken and shall then unless otherwise ordered as aforesaid cause the ballot boxes to be opened and the packets therein to be destroyed in the presence of two witnesses.

Destruction of ballots

Inspection **153.** No person shall be allowed to inspect any ballot papers in the custody of the secretary of a municipality except under order of the judge of the district court of the judicial district within which the municipality is wholly or mainly situated to be granted by the said judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary.

Order for **154.** The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge of such district court thinks expedient.

RECOUNT.

Recount **155.** If at any time within five days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to such returning officer that such returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers and the sum of \$50 as security for the payment of costs and expenses is deposited with such returning officer; such returning officer shall forthwith forward such affidavit and deposit to the clerk of the district court of the judicial district within which the municipality is wholly or mainly situated who shall forthwith notify the judge of such court; the judge shall thereupon appoint a time to recount the votes and cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary of the municipality whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.

(2) The said deposit of \$50 shall not be paid out by the clerk without the order of the said judge.

Attendance of clerk with papers **156.** The judge, the clerk of the court, the secretary of the municipality and each candidate and his agent or solicitor notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

Mode of counting **157.** At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the

ballot papers received by the deputy returning officers of the several divisions of the municipality as having been given in the election complained of and he shall proceed with such recount as follows:

1. The judge shall break the seals on one of the ballot boxes containing the votes to be counted and take from such ballot box the packets deposited therein;

2. He shall then examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer for reeve or councillor, as the case may be, and during the course of such examination the judge shall keep a tally or count of the votes cast for each candidate and he shall reject as void and shall not count:

- (a) Any ballot paper on which two or more votes are given;
- (b) Any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
- (c) Any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; but no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall affect the vote;

3. In case the ballot box used in any division has been lost or destroyed the judge shall use the duplicate written statement for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates;

4. The judge shall take notice of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection and the decision of the judge shall be final;

5. Upon the completion of the examination and count of the ballot papers contained in the first ballot box opened the judge shall forthwith announce the result of the count and replace the ballot papers in the box which shall be locked and sealed by the secretary in the presence of the judge;

6. The judge shall then proceed, if the recount applied for is of such a nature as to make it necessary, to examine and count in a similar manner the ballot papers contained in each of the other ballot boxes in turn;

7. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate in-

cluding any votes allowed under clause 3 of this section and he shall there and then declare elected the candidate having the highest number of votes;

8. In case any two or more candidates for the same office have been allowed by the judge the same number of votes he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show:

- (a) The names of the candidates;
- (b) The number of votes allowed for each candidate;
- (c) The number of ballot papers rejected;
- (d) The names of the candidates declared elected.

**Quo
warranto
proceedings**

158. Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

Costs

159. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

**Scale of
costs**

160. The costs shall be on the district court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

**Enforce-
ment of
payment
of costs**

161. The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the nonpayment thereof.

GENERAL PROVISIONS.

**Secrecy
of votes**

162. No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted.

163. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend.

Candidate
acting on
his own
behalf

164. When in this Act expressions are used requiring or authorising any act or thing to be done or implying that any act or thing be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it.

Candidates
and agents

165. No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

Errors not
affecting
results

166. All necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipality upon the production of proper accounts verified in such manner as the council may direct.

Payment of
election
expenses

167. All proceedings for contesting in any way an election or the voting on any bylaw under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

Contro-
verted
Municipal
Elections
Act

OFFENCES AND PENALTIES.

168. No person shall:

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or
- (e) Apply for a ballot paper in the name of some other person whether that name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a

Offences
and
penalties

person who applies for a ballot paper believing he is the person intended by the name entered on the voters' list in respect of which he so applies; or

- (f) Having voted once and not being entitled to vote again at the same election apply for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable if he is the returning officer or deputy returning officer to imprisonment for any term not exceeding two years with or without hard labour and if he is any other person to imprisonment not exceeding six months with or without hard labour.

Penalties

169. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 101 to 170 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

Duties of election officers

170. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

171. Every voter who displays his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper shall be guilty of an offence and liable on summary conviction before a justice of the peace to a fine not exceeding twenty-five dollars and costs. ^{Penalty for displaying ballot}

PART IV.

Municipal Officials.

APPOINTMENT.

172. Every council shall at its first meeting or so soon thereafter as practicable appoint the following officers: ^{Officials}

- (a) A secretary and a treasurer or a secretary treasurer;
- (b) An assessor who may be the secretary, the treasurer or the secretary treasurer.

173. Every council may also appoint from time to time such other officers, servants or employees as it deems necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any bylaw of the municipality. ^{Appointment of officers}

174. A councillor is not eligible to be appointed to any office under the municipality. ^{Councillor not eligible for office}

175. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration. ^{Appointment not to be by tender}

176. All officers appointed by the council shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council. ^{Tenure of office}

SECURITY.

177. In addition to defining the duties of any officer the council may require him to give such security as it may ^{Security for faithful performance of duties}

deem expedient for the faithful performance of his duties and during the month of January in each year all such securities shall be produced to the reeve and shall be laid by him before the council.

**Security for
faithful
accounting**

178. The treasurer of every municipality shall before entering upon his duties give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust; and such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

(2) The members of any council failing to take such security shall be jointly and severally liable for any default of the treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer.

(3) Such bond may be in such form as is approved by the commissioner and a duplicate copy thereof shall be forthwith transmitted to the commissioner.

Liability

179. Every officer, servant and agent of the municipality shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

SECRETARY.

**Duties of
secretary**

180. It shall be the duty of the secretary of the municipality:

1. To keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer;

2. To enter in the minutes of every meeting the names of the members of the council present at such meeting;

3. To conduct the correspondence of the council as directed by it;

4. To transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the

council which copy may be either written or printed or partly written and partly printed and to prepare a proper index for such bylaws;

5. To take charge of and keep on record all books, papers, accounts, assessment rolls, plans, maps, correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;

6. To faithfully prepare and duly transmit to the commissioner such statements and reports and such other information in regard to the municipality as may from time to time be required by the commissioner and in such form as he may direct;

7. To call any special or other meeting of the council in the manner provided by this Act;

8. To produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required so to do by an inspector;

9. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council.

TREASURER.

181. It shall be the duty of the treasurer of the municipality: Duties of treasurer

1. To receive and safely keep all moneys belonging to the municipality from whatever source;

2. To deposit daily or as often as the council may direct in some chartered bank designated by the council all money received by him;

3. To submit all accounts and charges against the municipality which he receives for the consideration of the council;

4. To pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;

5. To make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;

6. To give and take receipts for all the moneys of the municipality received and disbursed and to keep on file all vouchers of expenditure;

7. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the commissioner a complete and detailed record of all the financial transactions of the municipality;

8. To submit to the council quarterly and whenever required so to do by the council a balance sheet showing the financial standing of the municipality;

9. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the municipality and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;

10. To faithfully prepare and duly transmit to the commissioner such reports and statements as may from time to time be required by the commissioner and in such form as he may direct;

11. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council.

Financial year

182. The financial year of the municipality shall commence on the first day of November in any year and end on the thirty-first day of ~~October~~ ^{December} in the following year.

AUDITOR.

Auditor

183. The council shall at its first meeting in each year or within two months thereafter appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary or treasurer or who has directly or indirectly any share or interest in any contract made by the municipality or who is employed by the municipality in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor.

Auditor's reports

184. On or before the fifteenth day of November in each year the auditor shall prepare in such form as the commissioner may direct an abstract of the receipts, expenditures and liabilities of the municipality for the ~~financial year~~ ^{the year} ending on the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The treasurer on or before the first day of December in each year shall mail a copy of such abstract to the commissioner and to every elector of the municipality.

185. Any elector may inspect the said abstracts and reports or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom. ^{Inspections}
(185a) 1909/188

186. The declaration of office to be made and subscribed by every auditor shall be as follows: ^{Auditor's declaration of office}

I, A.B., having been appointed to the office of auditor for the Rural Municipality of No. do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the municipality. So help me God.

Made before me at
this day 19
.....
A Com., N.P. or J.P. }

PART V.

Municipal Bylaws and General Powers and Duties of Councils.

BYLAWS.

187. Except as herein provided the council of every municipality may exercise the duties and powers conferred on it by this Act either by resolution or by bylaw. ^{Resolutions of council}

188. Every bylaw shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the bylaw is finally passed and by the secretary; and every such bylaw shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of the council. ^{Bylaw to be under seal}
^{Three readings}

189. In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of passing thereof. ^{Validation of bylaws}

190. No bylaw for raising money by way of debentures shall have any effect until the same has received the assent of two-thirds of the electors of the municipality voting thereon and the approval of the commissioner as hereinafter provided. ^{Assent of electors and commissioner to money bylaw}

Council may
do omitted
work

191. When any council has authority to direct by bylaw that any matter or thing shall be done by any person such council may also by the same or another bylaw direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

Evidence of
bylaw

192. A copy of any bylaw written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council shall be authentic and received as *prima facie* evidence of its passing and of the contents thereof without any further proof in any court unless it is specifically alleged or pleaded that the seal or the signature of the secretary or member of the council has been forged.

Bylaws
generally

193. It shall be the duty of the council of every municipality to pass such bylaws not inconsistent with any law in force in this province as it may deem expedient for all or any of the following purposes:

Public
health

1. Providing for the health of the municipality and the prevention of the spread of infectious and contagious diseases;

Nuisance
grounds

2. Regulating nuisance grounds within the municipality and making provision for the disposal of the refuse of hamlets by licensing scavengers or otherwise;

Cemetery

3. Controlling any cemetery and preventing the burial of the dead within any hamlet;

Hospitals

4. Granting aid for the erection and maintenance of hospitals;

Aid to needy
person

5. Granting aid or relief to any needy person who is a resident of the municipality;

Trees

6. Providing for planting and protecting trees on highways and public places;

Light
weight

7. Imposing penalties for light weight and short measurement;

Cruelty to
animals

8. Preventing cruelty to animals;

Dogs

9. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Wolf
bounty

10. Carrying out the provisions of *The Wolf Bounty Act*;

Prairie
fire

11. Preventing prairie or running fires and making provisions for the enforcement of *The Prairie Fire Ordinance*;

12. Licensing, regulating and governing hawkers and pedlers; but a license shall not be granted by a rural municipality unless the applicant is a holder of a provincial license for hawkers and pedlers; Hawkers and pedlers

13. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the municipality by the party depositing the same and the placing of the same where ordered by the council; Removal of dirt, etc., from roads

14. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the municipality; Storage of gunpowder

15. Preventing the incumbrance or obstructing of roads and other places by vehicles or other articles or things; Incumbering the streets

16. Regulating the driving and riding of horses and other cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same; Regulating use of bridges and highways

17. Making provision for regulating the use of bridges and culverts by portable steam engines or steam traction engines; Traction engines

18. Making provision for the carrying out of any provincial law regulating the speed of motor vehicles on highways; Motor cars

19. Granting aid to agricultural societies;

Aid to agricultural societies

20. Taking the census of the municipality or any part thereof; Census

21. Providing ways and means for the extermination of such animals as are found to injure or impede agriculture. Extermination of animals

INFRACTION OF BYLAWS.

194. The council of every municipality may pass bylaws for inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the bylaws of the municipality and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid. Power to inflict penalties

(2) Two copies of every such bylaw under the seal of the municipality and certified as correct by the reeve and the secretary shall be transmitted to the commissioner and no such bylaw shall have any force or effect until one of the said duplicate copies is returned to the secretary approved by the commissioner. Copies of bylaw to be sent to commissioner

Penalty to
be paid to
municipality

(3) Any penalty or fine under any bylaw of a municipality shall if no other provision be made respecting it belong to the municipality for the public use of the same and form part of the general revenue of the municipality.

Transporta-
tion and
maintenance
of prisoners

195. In the event of any person being committed to gaol by reason of a breach of any bylaw of a municipality there shall be chargeable to such municipality such part of the expenses paid by the province for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

QUASHING BYLAWS AND RESOLUTIONS.

Motion to
quash

196. Any elector of the municipality may within two months after the passing of any bylaw or resolution of the council apply to the judge of the district court of the judicial district within which the municipality is wholly or mainly situated upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the municipality and may determine the scale of such costs.

Notice of
motion

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is made.

Proof of
bylaw

(3) The bylaw or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

Security for
costs

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into recognisance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

Affidavits of
justification

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the district court with the other papers relating to the motion.

Payment
into court

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the district court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge ^{Payment out of court} may order the money so paid into court to be applied in the payment of costs to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of court ^{Procedure} under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

197. Any bylaw which has been procured to be passed ^{Bylaws procured by bribery and corruption} through or by means of any violation of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained.

POWERS AND DUTIES OF COUNCILS.

198. In addition to all other duties and powers conferred ^{Further powers of councils} on councils by this Act the council of every municipality shall have power:

1. To purchase, lease or otherwise acquire for the use of ^{Acquire lands} the municipality any estate in landed property within or without the municipality for exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon any municipal building and to erect, furnish, maintain and repair such buildings as may be beneficial to the municipality:

^{Provided} that in any one year no expenditure or liability of more than \$500 shall be incurred under the provisions of this clause until a bylaw shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the municipality on a bylaw for raising money by way of debentures;

2. To establish and maintain or to assist in establishing and ^{Weigh scales} maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipality or within any village or town;

3. To lay out, construct, repair and maintain roads, lanes, ^{Roads} bridges, culverts and any other necessary public work in the interests and for the use of the municipality;

4. To construct through lands lying within or without the ^{Drains} municipality such drains as may be expedient to secure the proper drainage of the municipality and to prevent the obstruction of the same;

5. To make provision for a supply of water for the municipi- ^{Water supply} pality or any portion thereof and to regulate the use of the same and to prevent the placing of anything prejudicial to health in any stream or body of water in the municipality;

Temporary
road

6. To open and maintain a temporary road or right of way for public purposes for a term not exceeding two years across any private property or properties when in the opinion of the council the condition of the public roads in the neighbourhood make such action necessary or expedient; and the council shall in every such instance pay to the owners or occupiers of any land so opened as a temporary road such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Ordinance*;

Lease
roads

7. To lease any portion of any public highway or road to any person for a term not exceeding five years; but every such lease shall be subject to cancellation by either the lessor or lessee on one year's notice in writing;

Ferries

8. To instal and operate within or without the municipality any ferry if licensed to do so under the provisions of *The Public Works Act*;

Pile
drivers,
stone
crushers,
etc.

9. To acquire either separately or jointly with any other municipality any grader, pile driver, stone crusher, roller or any other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities;

Disposal
property of

10. To sell, lease or otherwise dispose of or to devote to some other municipal purpose in whole or in part any property acquired by the municipality for a specific purpose when such property in the opinion of the council is no longer needed for such purpose;

Unite with
other muni-
cipalities

11. To unite with the councils of other municipalities for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities;

Exemption
from
taxation

12. To exempt in its discretion from the payment of municipal taxes wholly or in part any indigent persons residing within the municipality;

Expropria-
tion

13. To enter upon and take and use and acquire so much real property as may be required for any highway, road, street, bridge, ferry or other public work in the municipality without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Ordinance*.

199. No council of any municipality shall have power: Bonus, etc. prohibited

1. To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, railway or any other business or concern whatever either within or without the municipality;

2. To exempt from taxation any such manufactory, mill, railway or other business or concern;

3. To subscribe for stock in or to guarantee the bonds, debentures or other securities of any such railway or other company.

APPORTIONMENT OF EXPENDITURES.

200. The council shall cause at least one-half of the total amount estimated to be expended in the municipality for general municipal purposes to be apportioned among the divisions thereof in proportion to the amount of taxable property therein respectively as shown by the assessment roll and the amount so apportioned to each division shall be expended on public works in such division: Apportionment of expenditure between divisions

Provided that the council may by resolution unanimously adopted at a meeting of the whole council decide that the amount to be apportioned as aforesaid may be reduced to any amount not less than one-quarter of the said total estimate.

NOXIOUS WEEDS.

201. It shall be the duty of every council and it shall have power to appoint from time to time such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Ordinance* within the municipality; and every inspector so appointed shall have all the powers and shall perform all the duties of an inspector appointed in accordance with the provisions of the said Ordinance and shall be paid such remuneration as the council may fix. Appointment of inspectors

202. In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector in accordance with the provisions of *The Noxious Weeds Ordinance* or in case the name or address of the owner of such land is unknown the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit. Inspector may destroy weeds

203. The amount expended in the work performed under the next preceding section may be recovered from the owner or occupant of the land by action in the name of the reeve or the inspector or by distress by the reeve or inspector or the agent of either of any chattels on the land. Recovery of amount expended

Amount expended recovered in same manner as taxes

204. Any such amount which has not been satisfied on or before the first day of January next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipality.

Certificate prima facie evidence of expenditure

205. A certificate purporting to be signed by the treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended.

Neglect by inspector

206. Every inspector who neglects to perform any duty placed upon such officials by the said Ordinance or by the council shall in respect of each instance of neglect be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$25 and costs.

Penalty to go to municipality

207. Every fine, penalty and forfeiture imposed by the said Ordinance for a violation of any of its provisions shall be payable to the municipality whose council takes the necessary steps to enforce such fine, penalty or forfeiture, as the case may be.

RESTRAINING ANIMALS AT LARGE.

Herd and Pound Ordinance

208. On the first day of May next following the organisation of any municipality all the provisions of *The Herd Ordinance* and *The Pound District Ordinance* shall cease to be operative within such municipality.

Restraining and regulating the running at large of animals

209. Within four months after the first meeting of the first council of any municipality it shall be the duty of the council to determine by bylaw the period, if any, during each year during which cattle may run at large within the municipality and to make due provision by bylaw for restraining and regulating the running at large or trespass of any animals within the municipality and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to and sustenance supplied for animals distrained or impounded and for appraising the damages to be paid by the owners of animals impounded for trespassing:

Provided that no such bylaw shall take effect until the first day of May of the year in which such bylaw is passed.

Penalty for improper impounding

210. If any pound keeper impounds or assists or incites or employs any person to impound any animal in any municipi-

pality unless such animal was an estray or was trespassing upon the pound keeper's own land he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.

211. If the owner of any impounded animal is known to the pound keeper as the owner of such animal the pound keeper shall forthwith deliver at or post by registered mail to the address of such owner a notice in the form hereinafter provided. Notices to be given by pound keeper

(2) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claim for damages, the pound keeper shall forward to the government printer for insertion in two consecutive issues of *The Saskatchewan Gazette* a notice in the form of this section.

(3) The notice referred to in the two preceding subsections shall be in the following form:

To (name of owner or government printer, as the case may be):

Notice is hereby given under section 211 of *The Rural Municipality Act* that (description of animal impounded giving registered brands, if any, marks and points) was impounded in the pound kept by the undersigned on the (description of quarter section or other place where pound is located) on day the day of 19 .

.....
Signature of pound keeper.

212. Every pound keeper shall without charge in addition to any copies of any notice which he may be required under this Act to post or deliver post a copy of every such notice in a conspicuous place at his pound and in the nearest post office and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. Copies of all notices to be posted at pound

213. When any animal shall not have been released from the pound within twenty days after the notice has been inserted in *The Saskatchewan Gazette* as in section 211 hereof mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the municipality one of which shall be the post office nearest the pound and at such sale the pound keeper shall be the auctioneer; and such sale shall be held at the pound or at such other place as may be designated by bylaw of the municipality and shall commence at the hour of two o'clock in the afternoon When impounded animals may be sold

Pound
keeper
not to have
interest in
sale

and the pound keeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased.

When
animals may
not be sold

214. If more animals than one are impounded on any distress and the owner thereof is known the pound keeper shall not sell any more of such animals after he has realised from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold.

(2) If the owner of the animals is unknown the pound keeper shall sell all the animals impounded.

(3) The pound keeper shall immediately after such sale send to the treasurer a description of the animal sold, the date of sale, the amount realised and the disposition thereof.

Pound
keeper need
not be
licensed as
auctioneer

215. No pound keeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer.

Disposal of
proceeds of
sale

216. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment:

(a) Of any costs and charges attending such sale;

(b) Of all sustenance fees;

(c) To the impounder of such animal of the amount due to him for mileage charges and for damage done;

and the residue, if any, shall be paid to the owner of such animal or if not claimed at the time of sale by any person entitled thereto to the treasurer of the municipality.

Owner's
claim to net
proceeds

217. Any money paid to the treasurer under the provisions of the next preceding section shall be paid over to the owner of the animal sold on evidence satisfactory to the council being furnished and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the municipality.

HIGHWAYS AND PUBLIC PLACES.

Title to
street, etc.

218. The title to all public roads, highways, streets and lanes in every municipality is hereby declared to be vested in the Crown in the right of the province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the municipality in which it is situated.

219. The commissioner of public works shall at all times have the right to enter any municipality for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Public Works Act* and for any or all of these purposes every public road, highway or other public place or the part or parts thereof on which such work is being carried on shall until such work is completed and thereafter until otherwise ordered by the Lieutenant Governor in Council be under the direction, control and management of the said commissioner.

Right of
entry by
commis-
sioner of
public
works

220. Every council shall keep in repair all bridges, culverts and ferries and the approaches thereto which have been constructed or provided by the municipality or by any person with the permission of the council or which if constructed or provided by the province have been transferred to the control of the council; and in default of the council so to keep the same in repair the municipality shall be civilly liable for all damage sustained by any person by reason of such default.

Repair of
public works

221. No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice of such action shall have been given to the secretary of the municipality within one month after the date upon which such damage was caused.

Limitation
of time for
action

CARE OF SICK.

222. The council of every municipality ^{shall} ~~may~~ make due provision for the care and treatment of any person who has been a resident of the municipality for at least three months who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

Care of the
sick
Am 1909 p 189

223. ~~Should the council deem it advisable to place any~~ ^{if such person is admitted as a patient by} ~~such person in any hospital which receives aid from the~~ ^{may} ~~general revenue of the province the board of such hospital~~ ^{may} ~~may demand from the council a sum not exceeding one dollar~~ ^{may} ~~per day for each day's actual treatment and stay of the~~ ^{may} ~~patient in such hospital.~~

Demand by
hospital
board
Am 1909 p 189

224. Any sum thus paid by the municipality to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the municipality or if deemed advisable it may be added to and form part of the taxes levied by the municipality against any land owned by the said patient and shall be collectible in the same manner and to the same extent as all other taxes of the municipality;

Recovery of
payment
from
patient

and in the event of the death of the said patient the council may recover from his administrators and executors the said sum.

Agreement
between
council and
board

225. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients of the municipality for such annual sum and subject to such conditions and restrictions as may be agreed upon.

PART VI.

Municipal Loans.

TEMPORARY.

Temporary
loans

226. The council of every municipality except as herein after provided may from time to time by resolution authorise the reeve and treasurer to borrow from any person, bank or corporation such sum or sums of money as may be required to meet the current expenditures of the municipality until such time as the taxes for the current year are available; and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid; and every such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which such loan was made and may be secured by the promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council.

(2) In any calendar year the total amount of all loans thus made shall not exceed sixty per centum of the total taxes levied by the municipality for the preceding year.

Temporary
loan after
July 1st

227. The council of any municipality organised subsequently to the first day of July in any year may by resolution authorise the reeve and treasurer to borrow from any person, bank or corporation such sum or sums of money not exceeding one thousand dollars as may be required from time to time to meet the current expenditure of the municipality for the remainder of such year; and every such loan shall be repaid out of and shall be a first charge upon the taxes to be levied for the year next following and may be secured by the promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council.

DEBENTURE LOANS.

Debentures
bylaws

228. Should it appear desirable to the council of any municipality that a sum of money should be borrowed on the security of the municipality for the purpose of purchasing or

constructing any road, highway, bridge, ferry or other municipal public work or for the purpose of purchasing or otherwise acquiring any land, gravel pit, right of way, easement or other interest in any land for the use of the municipality or for the purpose of draining any portion of the municipality or for the purpose of providing a supply of water for any portion of the municipality or for the purpose of purchasing or otherwise securing any machinery, tools or implements for the use of the municipality or for the purpose of assisting in the erection or enlargement of a hospital either within or without the limits of the municipality or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the municipality or for all or any of the said purposes it shall pass a bylaw to that effect which may be in such form as is prescribed by the commissioner or to the like effect and which shall be under the corporate seal of the municipality.

229. Within fifteen days from the passing of the bylaw the council shall give notice to the electors of the municipality of its intention to apply to the commissioner for authority to borrow the amount specified in the bylaw and on the conditions therein set forth. Notice to be given to the commissioner

(2) Every such notice shall be in the form prescribed by the commissioner and shall be given by notices posted in the manner provided by section 102 hereof and shall state the day of posting the same. Form of and posting

230. Within fifteen days from the date of the posting of the said notices any ten electors of the municipality may demand a poll of the electors for and against the said bylaw and such poll shall be held as provided by sections 232 to 238 hereof. Notice concerning poll on debenture

(2) Every demand for a poll shall be delivered to the secretary of the municipality or in his absence to the reeve and a certified copy of such demand shall be forthwith transmitted to the commissioner.

231. In the event of a poll not being demanded as hereinbefore provided the secretary of the municipality shall forthwith transmit to the commissioner: Certificate from secretary to commissioner re passing of bylaw

- (a) A certified copy of the bylaw under the seal of the municipality;
- (b) A certified copy of the notice provided in section 229 hereof and a statutory declaration or declarations proving the posting of such notice and that a poll has not been demanded;
- (c) A statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;

and upon receipt of the same and upon being satisfied that the several conditions required by this Act have been substantially complied with the commissioner may in writing authorise the council to borrow by way of debenture the sum or sums mentioned in the bylaw or any less sum and notice of such authorisation shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

Poll to be
taken

232. In the event of a poll being demanded as provided by section 230 hereof the council shall by resolution fix a time for holding the said poll, appoint a returning officer, name a polling place for each division, appoint a deputy returning officer for each polling place and appoint a time and place when and where the returning officer shall sum up the votes given for and against the bylaw.

(2) If the council deems it advisable such poll may be held on the day herein fixed for the annual election of reeve and councillors.

Notice
of poll

233. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 102 hereof and every such notice shall be in the form prescribed by the commissioner.

Proceedings
at poll, etc.

234. At the day and hour fixed by the said notice a poll shall be taken in each division of the municipality and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for reeve and councillors.

Ballot
paper

235. The ballot papers for voting on the bylaw shall be in the following form:

Bylaw.	
For	
Against	

Agents
at poll

236. On the application of any person interested in promoting or opposing the bylaw the reeve shall authorise the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes.

One vote
only

237. Every elector of the municipality shall be entitled to vote once only on the bylaw and such vote shall be recorded

at the polling booth in the division in which such elector resides or in case the elector is not a resident of the municipality then in the division or one of the divisions of the municipality in which his name appears on the municipal voters' list.

238. After the returning officer has at the time and place appointed by the council and in the presence of those authorised to attend or such of them as may be present counted and summed up the number of votes for and against the bylaw according to the provisions of section 148 hereof he shall then and there declare the result and forthwith certify to the council under his hand whether the two-thirds of the electors entitled to vote who have voted on the bylaw approved of the same.

239. In the event of a recount not being applied for within the time specified by section 155 hereof the secretary of the municipality shall forthwith forward to the commissioner:

- (a) A certified copy of the bylaw under the seal of the municipality;
- (b) A certified copy of the notice provided in section 229 hereof and a statutory declaration or declarations proving the posting of such notice;
- (c) A statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;
- (d) A certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary after such recount has been held shall transmit to the commissioner the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount

240. Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with the commissioner may in writing authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum; and notice of such authorisation shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

241. Whenever the council of any municipality is authorised by the commissioner to borrow any sum of money as provided by section 240 hereof the council may thereupon

issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorised or of any less sum upon the terms specified in the bylaw; and the debenture or debentures and the coupons thereto attached when signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof and when the commissioner shall have countersigned the debenture as hereinafter provided shall be sufficient to bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality.

**Form of
debenture**

242. Every debenture issued by any municipality shall be in the following form or to the like effect:

§ Debenture No.
No.
The Rural Municipality of
promises to pay to the bearer at the at
the sum of dollars of lawful money
of Canada in equal consecutive annual instal-
ments with interest at the rate of per centum
per annum on the terms and in the amounts specified in the
coupons attached hereto.

Dated this day of 19

.....
Reeve.

[Corporate Seal]

.....
Treasurer.

COUPONS.

Coupon No. Debenture No.
No.
The Rural Municipality of
will pay to the bearer at the at
on the day of 19 the sum of
dollars being the instalment of
principal with the total interest at the rate of per
centum per annum due on that date on municipal debenture
No.

.....
Reeve.

[Corporate Seal]

.....
Treasurer.

**Limit for
debentures**

243. The total face value of all debentures issued by any municipality shall not be for a greater sum than 13 cents per acre for each acre of land assessed in the municipality as shown by the last revised assessment roll thereof.

**Rate of
interest**

244. Debentures shall not carry interest at a greater rate than eight per centum per annum.

245. Debentures shall not run for a longer period than twenty years except as in the next succeeding sections provided and may be dated at any time within twelve months from the date on which notice of the authorisation of the loan appears in *The Saskatchewan Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture. Term of debentures

246. In the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided in the next preceding section such debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest. Extension of term

247. Every debenture before being issued by the council shall be sent for registration to the commissioner who shall cause a proper record to be kept of the same. Debenture to be registered by commissioner

248. The commissioner shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the commissioner shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court; but the same shall to the extent of the revenues of the municipality issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof. Debenture to be countersigned by commissioner

249. The treasurer of every municipality shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the commissioner and in which shall be entered full particulars of every debenture issued by the municipality. Debenture register

PART VII.

Municipal Assessment and Taxation.

ASSESSMENT.

250. The council shall appoint an assessor whose duty it shall be to make an assessment of the municipality in the manner hereinafter provided. Assessor

(2) If it is deemed advisable the council may appoint the secretary, the treasurer or the secretary treasurer of the municipality as assessor.

Exemptions **251.** In every municipality the property exempt from assessment and taxation shall be:

1. All land held by his Majesty for the public use of the province;
2. All lands held by or in trust for the use of any tribe of Indians;
3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;
4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;
5. The land in use as a public cemetery not exceeding twenty-five acres;
6. All land belonging to the municipality when held for the public use of the municipality.
7. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*.

**Assessment
to be made
prior to 1st
July in
each year**

252. As soon as may be in each year but not later than the first day of July the assessor shall assess every person the owner or occupant of land in the municipality and shall prepare an assessment roll in which shall be set out as accurately as may be:

1. The name of the owner and the name of the occupant of each lot or parcel of land in the municipality which is not exempt from assessment and the post office address, if known, of every such owner and occupant;
2. A brief description of each such lot or parcel of land and the number of acres which it contains; and such assessment roll shall be as in the form following or to the like effect or in such form as may be prescribed from time to time by the commissioner:

No.		Pt. of Sec.		g.		T.		R.		M.		No. of Acres		Name of Owner		P. O. Address		Name of Occupant		P. O. Address of Occupant		Rate of Taxation		Date of Mailing Notice		Initials of Sec'y.		Total Tax for Current Year		Arrears		Total		Date of Tax Notice		Initials		Amount Paid		Receipt No.	
-----	--	-------------	--	----	--	----	--	----	--	----	--	--------------	--	---------------	--	---------------	--	------------------	--	---------------------------	--	------------------	--	------------------------	--	--------------------	--	----------------------------	--	---------	--	-------	--	--------------------	--	----------	--	-------------	--	-------------	--

(2) In preparing the said assessment the assessor shall arrange the roll in accordance with the divisions of the municipality commencing with Division No. 1 and the assessment for each division shall be kept distinct and separate.

Provisions
for hamlet

253. If at the time of the preparation of the assessment roll there exists in the municipality any hamlet it shall be the duty of the assessor to assess every person the owner or occupant of land in such hamlet; and the assessor shall enter in the assessment roll:

1. The name and post office address, if known, of the owner or (if occupied) the occupant of each lot or parcel of land in the hamlet which is not exempt from taxation;

2. A brief description of each such lot or parcel of land;

3. A brief statement of the purpose for which any such lot is occupied which statement may be made by entering in the roll after the description of the lot one of the following expressions, as the case may be: hotel, manufactory or other industry, elevator, lumber yard, store, implement warehouse, livery stable, feed or sale stable, boarding house, restaurant, office, blacksmith shop, dwelling house.

Information
for assessor

254. It shall be the duty of every person whose property is assessable to give to the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Penalty

(2) In case any person refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information; such person shall be liable on summary conviction to a penalty not exceeding \$10.

Where
owner is
unknown

255. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the municipality the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

Roll to be
checked by
assessment
committee

256. The council shall appoint two of their number who with the assessor shall constitute an assessment committee; and such committee shall on the completion of the roll by the assessor and before assessment notices are sent out check over the assessment roll and make such corrections therein as the majority of the committee may decide.

Allowance
to be made
to members
of
assessment
committee

257. The councillors who are members of such committee shall notwithstanding any provision herein to the contrary be entitled to receive such payment and mileage allowance for one meeting as would be paid to them for attendance at a meeting of the council.

258. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100.

259. Upon the completion of the assessment roll as provided in section 252 hereof the assessor shall forthwith mail to each person whose name and address appear on the roll a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) When all of the said notices are mailed as herein provided the assessor shall forthwith transmit the said roll to the secretary of the municipality.

260. The assessor shall also within two weeks after the ~~Post notice~~ completion of the said roll post up a notice in the following form which notice shall be posted in the manner provided by section 102 hereof:

The Rural Municipality of Assessment Roll, 19	No.	Form
--	-----	------

Notice is hereby given that the assessment roll of the Rural Municipality of No. for the year 19 has been prepared and is now open to inspection at the office of the secretary of the municipality from ten o'clock in the forenoon until four o'clock in the afternoon on every juridical day except Saturday (and on that day from ten o'clock in the forenoon until noon) and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing with the secretary of the municipality.

Dated this _____ day of _____ 19____
A.B.
Assessor.

261. Every notice of assessment given as provided by section 259 hereof shall be in such form as may be prescribed from time to time by the commissioner; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary of the municipality as fixed by the public notice under section 260 hereof.

Error in
form of
assessment
notice

262. No assessment shall be invalidated by reason of any error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed.

Complaints
against
assessment

263. If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the secretary of the municipality and every such complaint shall contain a post office address to which any notice required may be sent to the complainant.

Form of
notice of
appeal

264. Every such complaint shall be in the following form:

To the secretary of the Rural Municipality of
No.

SIR,—I hereby appeal against assessment (*or nonassessment*)
of on the following grounds (*here state grounds*
of appeal):

Dated this day of 19 .

C.D.

Appellant.

Notice of
hearing

265. The secretary shall forthwith notify every such appellant and every other person whose assessment is affected thereby of the time and place of the sittings of the council to hear the said appeal.

When
meeting
held

266. The council shall not call a special meeting to hear such appeals but the same shall be heard at the first regular meeting the date of which will allow the giving of the length of notice herein provided for.

Time of
notice

267. Every such notice shall be posted by registered letter to the post office address of such person, if any, as entered on the assessment roll or as indicated in the notice of complaint at least fifteen days before the sitting of the council unless such person resides within the municipality in which case the secretary treasurer shall cause the said notice to be served at such residence or so posted at least ten days before the sitting of the council.

Court of
revision

268. The council shall be the court of revision for revising the assessment roll.

List of
appeals

269. Before the sittings of the council the secretary shall prepare a list of the appeals in the following form which list shall be posted at the office of the secretary and shall continue so posted during the sittings of the council:

Appeals to be heard by the council of the Rural Municipality
of No. on the day of 19 .

Appellant	Respecting whom	Matter complained of
<i>A.B.</i>	<i>Self</i>	Overcharged on land
<i>C.D.</i>	<i>E.F.</i>	Name omitted
<i>G.H.</i>	<i>J.K.</i>	Not <i>bona fide</i> owner or tenant
<i>L.M.</i>	<i>Self</i>	Income overcharged
<i>etc.</i>	<i>etc.</i>	<i>etc.</i>

270. The secretary shall be the clerk and secretary of the council in connection with assessment appeals. Clerk

(2) The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such persons from attending before them and in such event no penalty shall be incurred by reason of such nonattendance. Proviso

271. The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the council may adjourn or expedite the hearing of any appeal as they think fit. Conduct of hearing

272. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed in his absence. Non-appearance

273. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party. Evidence

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

Termination of sittings **274.** All the duties of the council as a court of revision shall be completed by the first day of September and no appeal to the council shall be heard after that date except as provided in section 291 hereof.

Amendment of roll **275.** Forthwith after the conclusion of the sittings the secretary shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary.

Adoption of roll **276.** The roll with any amendments made as aforesaid shall be the assessment roll of the municipality:
Provided that there shall be a right of appeal from the decision of the council to the judge as provided herein and according to the procedure prescribed herein.

Correction of errors **277.** The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialed by the secretary.

APPEAL FROM COURT OF REVISION TO JUDGE.

Appeal lies to judge **278.** An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

Notice of appeal **279.** The person appealing shall in person or by agent serve upon the secretary of the municipality within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge

Secretary to notify judge **280.** The secretary shall immediately after the time limited for filing notices of appeal forward a list of the same to the judge of the district court for the judicial district in which the municipality is wholly or mainly situated; and such judge shall fix a day and place for the hearing of such appeals.

Notice to parties **281.** The secretary shall thereupon give notice to all parties appealed against in the same manner as is provided for giving notice on a complaint; but in the event of failure by the secretary to have the required service in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit.

Notice of appeals **282.** The secretary shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals.

283. The secretary shall be the clerk of such court.

Clerk of
court

284. At any court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure.

Adjourn-
ment of
court

285. At the court to be holden by the judge to hear the appeals the secretary of the municipality shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

Production
and
amendment
of roll

286. In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the district court.

Witnesses

287. The costs of any proceedings before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs in such court.

Costs

288. The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder.

Taxation

289. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

Decision of
judge final

290. If at any time within one month from the date on which all complaints against the assessment shall be lodged with the secretary as provided by section 263 hereof it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary to enter the

Council
may order
addition
to roll

name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialed by the secretary.

Notice to
persons
affected by
correction
of roll

291. In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 267 hereof shall be sent to such person or persons by the secretary; and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

Binding
effect of
amended
roll

292. When the roll is finally completed and the time during which complaints and appeals against the assessment has elapsed the secretary shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this day of 19 ;" and the roll as thus finally completed and certified to shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice.

Evidence of
roll

293. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

TAXATION.

Estimates

294. The council of every municipality shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the municipality for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year.

Levy of
rate

295. Upon the completion of the said estimate the secretary shall lay before the council the revised assessment roll of the municipality for the year certified to as provided by section 292 hereof and the council shall by resolution authorise the treasurer of the municipality to levy upon all the lands entered in the said roll with the exception of such lands as are included in any hamlet such tax at a uniform rate per acre as shall be deemed sufficient to meet the said estimate of expenditures; and in fixing the said rate the council shall make due allowance for the nonpayment of taxes and for any rebate fixed for prompt payment.

296. The uniform rate of taxation to be authorised by the council as provided in the next preceding section shall not in any one year exceed six and one-quarter cents per acre nor shall such rate be less than two and one-half cents per acre: ^{Uniform rate of taxation}

Provided that in the case of any municipality which has raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate of six and one-quarter cents per acre by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year.

Revised 1899/189

297. In case any municipality includes within its limits ^{School rates} the whole of any rural school district erected under *The School Ordinance* which has not been declared a village or town district for purposes of assessment as provided by *The School Assessment Ordinance* it shall be the duty of the council through its proper officers notwithstanding anything to the contrary in *The School Assessment Ordinance* to impose and collect such rates on the land and other property of the persons liable to assessment for school purposes in such district as may be fixed by the trustee of the district; and such taxes shall be collected in the same manner as all other rates and taxes of the municipality.

(2) In case any portion of any such rural school district is within the limits of a municipality and the remaining portion is not within the limits of any other municipality the whole of such rural school district shall for the purposes of this section be deemed to be within the municipality that includes a portion thereof within its limits.

(3) In case any such rural school district is partly within more than one municipality the whole of such rural school district shall for the purposes of this section be deemed to be within the municipality that comprises within its limits the larger portion of such district or in the case of a dispute within such municipality as the commissioner may by order determine.

298. On or before the first day of August in each year the board of trustees of every such district shall transmit to ^{Demand from school trustees} the treasurer of each municipality in which the district is situated in whole or in part:

- (a) A map or plan showing the area and boundaries of the said district;
- (b) A summary of the estimated expenditures of the district for the year;
- (c) A certified copy of a resolution of the board of trustees fixing the rate of taxation to be levied on all assessable lands in the district for the year;

and in case the board of trustees of any such district in which a hamlet is situated desires the property in such hamlet to be

taxed for school purposes in the manner hereinafter provided it shall notify the treasurer of the municipality in writing to that effect.

Tax roll

299. On or before the first day of September in each year the treasurer of every municipality shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 252 hereof a statement of all taxes levied against each lot or parcel of land assessed as shown by the said roll and every such statement when completed shall show:

1. The rate per acre levied by the municipality to meet the estimated expenditures of the municipality as heretofore provided;

2. The rate per acre fixed by each rural school district as aforesaid to be levied by the treasurer on such lands of the school district as are situated in the municipality;

3. The rate fixed by *The Supplementary Revenue Act*;

4. The sum total of the rates levied against each lot or parcel of land;

5. The total taxes due for the current year on each lot or parcel of land;

6. The arrears of taxes ^{*levied under any authority*} due on each lot or parcel of land;

7. The sum total of all taxes due on each lot or parcel of land.

**Minimum
municipal
tax**

(2) In the event of the total tax payable by any person under this section for the purposes of the municipality being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

**Minimum
school tax**

(3) In the event of the total tax payable by any person under this section for school purposes being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

(4) The provisions of the next two preceding subsections shall not apply to any land included in any hamlet.

**Tax in
hamlets**

300. In the case of lands included in any hamlet within the limits of the municipality the treasurer shall levy and enter in the said roll the following tax for municipal purposes and if requested so to do on or before the first day of September in each year by the trustees of the school district in which such hamlet may be situated the following tax for school purposes, namely:

**Rate of
same**

1. On the land occupied by any building for one of the following purposes the tax set opposite thereto:

	For municipal purposes	For school purposes
(a) For an hotel	\$25.00	\$15.00
(b) For a manufactory or other industry	20.00	10.00
(c) For an elevator	20.00	10.00
(d) For a lumber yard.....	15.00	9.00
(e) For a store	10.00	6.00
(f) For an implement warehouse.....	10.00	6.00
(g) For a livery, feed or sale stable....	10.00	6.00
(h) For a boarding house or restaurant	5.00	3.00
(i) For an office	5.00	3.00
(j) For a blacksmith shop.....	5.00	1.00
(k) For a dwelling	3.00	1.00
(l) For any other purpose.....	1.00	.50

2. On each lot or parcel of land which is unoccupied by a building a tax of 50 cents for municipal purposes and of 25 cents for school purposes.

301. The treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the land for which he is assessed; and the entry of the date of mailing each such notice followed by the initials of the treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown. Mailing
tax
notice

(2) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in such form as may from time to time be approved by the commissioner.

302. All taxes levied under the provisions of this Act shall be payable at the office of the treasurer of the municipality. Taxes where
payable

303. The taxes accruing upon or in respect of any land in the municipality shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown. Taxes first
lien

304. In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are levied there shall be added thereto by way of penalty a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such Penalty for
nonpayment
of taxes

amount or amounts so added shall form part of the taxes which by section 303 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

Receipt
book for
taxes

305. The treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment such as may from time to time be approved by the commissioner.

Arrears
first charge
on tax
payment

306. The treasurer shall upon the written request of any person assessed who pays only a portion of the taxes due by him credit such person in the assessment roll as having paid such taxes as such person may select provided that if arrears of taxes are due by such person the taxes received shall first be applied in payment of such arrears.

Arrears
first charge
on tax
payment

307. In case any person pays only a portion of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the treasurer shall first apply such taxes in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be as nearly as may be proportionally divided in payment of the several taxes levied for the current year.

Distress for
taxes

308. In case any person fails to pay the taxes assessed against him within thirty days after the posting of the tax notice provided by section 301 hereof the treasurer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the municipality or of any goods and chattels found upon the land in respect of which the taxes are due the property of or in possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 34 of *The Consolidated Ordinances 1898*.

(2) The treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the municipality give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$2 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the district court for the judicial district within which such school district is wholly or mainly situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

309. Any taxes or arrears of taxes due to the municipality or levied by it may be recovered by suit in the name of the council as a debt due to the municipality; in which case the assessment roll shall be *prima facie* evidence of the debt. Suit for taxes

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 301 hereof were mailed as shown by the assessment roll.

310. All taxes for municipal purposes due on any land included in a municipality but which may thereafter be withdrawn therefrom and comprised within the limits of a village, town or city shall continue to remain as taxes due to the municipality; and for the purposes of the collection of such taxes the said land shall be deemed to be in the municipality and all the provisions of this Act with respect to the collection of such taxes shall apply: Taxes on area created a village

Provided that in the case of such taxes due on land comprised within the limits of a village the treasurer of such municipality shall as such taxes are collected pay over to the council of the village one-half of the amounts received.

311. If in any year the amount of the taxes collected by the treasurer for any rural school district falls short of the total taxes levied by him for such district the council may by resolution direct the deficiency to be made up from the general fund of the municipality; and every sum so advanced shall be deemed to be a loan to the district to be repaid out of the future collection of taxes for such district. Deficiency in school taxes to be made up from general fund

312. The treasurer of every municipality shall during the month of January in each year prepare a separate statement to be known as "The Tax Enforcement Return;" and the treasurer shall enter in such return the following information in the columns provided for the purpose: Tax enforcement

1. The name and post office address of each person whose name appears on the last revised assessment roll of the muni-

cipality and who has not paid all taxes due by him to the municipality for the year next preceding the preparation of the said return or for any former year;

2. A description of each lot or parcel of land for which each person is assessed;

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied.

Audit of
tax
enforcement
return

313. When duly prepared as provided in the next preceding section the treasurer shall submit the tax enforcement return to the auditor of the municipality who upon auditing the same and upon being satisfied that the said return is correct shall indorse thereon the following statutory declaration:

I, _____ auditor of the Rural Municipality of _____ No. _____, hereby solemnly declare that I have audited the above return and that to the best of my knowledge and belief it is correct in every particular.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at _____
this _____ day of _____ 19 . {
Auditor.

.....
A Commr., J.P. or N.P.

Return to
be prima
facie
evidence

314. The said return as thus verified by the auditor of the municipality shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

Treasurer
to collect
arrears

315. The treasurer shall continue to collect arrears of taxes due to the municipality as shown by said return and upon receipt of any such payment he shall enter in the said return the amount paid followed by his initials and the date of payment.

Court of
confirmation
of the said
return

316. On the application in chambers of the treasurer of the municipality or some solicitor authorised by the council to the judge of the district court within whose district the municipality is wholly or mainly situated such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Saskatchewan Gazette* for two months

and once each week for at least eight weeks in such local newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge.

317. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the treasurer of the municipality at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the treasurer shall without proof of the appointment or signature or initials of the treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered. Notice of confirmation court

318. If after the date for confirmation has been fixed as provided in section 316 hereof any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return such person may do so on condition that he pays in addition to the said taxes the sum of two dollars for each parcel of land for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the general revenue of the municipality. Payment of arrears after date fixed for confirmation of return

319. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the treasurer of the municipality and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amounts of such arrears and adding thereto a reasonable amount for the expenses of advertising together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the municipality the said lands freed from all liens, mortgages and incumbrances of every nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the treasurer of the municipality of the amounts named including expenses as aforesaid together with a redemption fee of five cents per acre for each and every acre in the Hearing of application for confirmation of return

Costs of redemption

parcel of land so redeemed and any subsequent taxes paid by the municipality; but no such redemption fee shall be less than \$2.

Taxes due January 1st

(2) For the purposes of this section all taxes shall be deemed to be due on the first day of January of the calendar year within which they are imposed.

Successful opposition to confirmation

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the municipality.

Copy of adjudication to be registered

(4) A copy of such adjudication certified by the treasurer shall be forwarded by registered mail to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

Copy of confirmation to be sent to all interested persons

(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 317 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

Publication of notice of forfeiture

(6) The treasurer of the municipality shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Saskatchewan Gazette* a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption provided by law will expire.

Payment of taxes to treasurer after confirmation

320. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 319 hereof have been paid to the treasurer within one year from the date of the said adjudication the treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of attestation in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land from the said adjudication and the effect thereof.

The Rural Municipality Act.

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:

as to which an adjudication under the provisions of section 319 of *The Rural Municipality Act* bearing date the

day of _____ was made by his Honour
 _____, Judge of the District Court of the Judicial
 District of _____ in the Province of Saskatchewan, have
 been, under the provisions of the said section, redeemed and
 the said lands are therefore discharged and released from the
 said adjudication and the effect thereof.

Dated at _____ this _____ day of _____, 19 ____
 Witness:

AFFIDAVIT OF ATTESTATION.

(Canada:
 Province of Saskatchewan.
 To Wit:

I,
 of _____ in the Province of Saskatchewan,
 (*occupation*) make oath and say:

1. That I was personally present and did see
 named in the within instrument who is personally known to me
 to be the person named therein, duly sign and execute the same
 for the purposes named therein.

2. That the same was executed at the _____ of
 in the Province of Saskatchewan, and that I am the subscribing
 witness thereto.

Sworn before me at
 of _____ in the Province
 of Saskatchewan this
 day of _____ A.D. 19 ____

 A J.P., Commr. or N.P.
 (or as the case may be)

321. If after the expiration of one year from the date of the said adjudication the taxes together with the expenses and redemption fee as provided in section 319 hereof have not been paid to the treasurer the registrar on the written application of the treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the municipality freed from all liens, mortgages and incumbrances of every nature and kind whatsoever.

Issue of
 certificate
 of title in
 name of
 municipi-
 pality

322. So soon as the said return has been confirmed by the judge as provided by section 319 hereof the treasurer of the municipality shall out of the general revenues of the municipality pay all taxes levied for school purposes or levied under *The Supplementary Revenue Act* which are shown to be due on the several parcels of land in the said confirmed return; and thereafter while owned by the municipality each parcel of land shall be assessed in the name of the municipality for

Forfeited
 land to be
 liable for
 school and
 supplement-
 ary
 revenue
 taxes

all taxes required to be levied except taxes for the purposes of the municipality and as if the land were assessed to an ordinary individual.

Forfeited
land may
be sold
under
approval of
Lieutenant
Governor in
Council

323. Any lot or parcel of land which becomes the property of the municipality in the manner provided by section 319 hereof may subject to the approval of the Lieutenant Governor in Council be sold, leased or otherwise disposed of by the council of the municipality on such terms and conditions as it may fix.

PART VIII.

Miscellaneous.

PENALTIES.

Penalties
for nonper-
formance
of duties

324. Any secretary, treasurer or other officer of a municipality who refuses, neglects or fails to discharge the duties of his office or who knowingly signs any false statement, report or return required by this Act or any law in force in the province or who refuses or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the commissioner all moneys, books, papers and other property of the municipality in his possession in addition to any civil liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50.

Recovery of
penalties

325. All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace.

Penalties to
go to
general
revenue
fund of
province

326. All moneys accruing from fines or penalties under this Act shall unless otherwise provided belong to the general revenue fund of the province.

ACTIONS BY AND AGAINST MUNICIPALITY.

Rights as
in
proceedings

327. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the municipality shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or a plaintiff upon the relation of any person interested.

328. In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the municipality; and every such action shall be brought against the municipality alone and not against any person acting under the bylaw or resolution.

Notice of
action in
certain
cases

329. In case the municipality tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

Tender of
amends

330. No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any such person.

Disqualifi-
cation of
member not
to invalidate
proceedings

EXECUTIONS AGAINST RURAL MUNICIPALITIES.

331. Any writ of execution against a municipality may be indorsed with the direction to the sheriff of the judicial district in which the municipality is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Procedure
on writs of
execution
in sheriff's
hands

1. The sheriff shall deliver a copy of the writ and indorsement to the treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Copy
writ to be
delivered
to treasurer

Demand for
payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Execution
rate

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the municipality had neglected to satisfy the same and referring to the roll annexed

Sheriff's
precept to
treasurer

to the precept command the treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of special rate

4. At the time for levying the annual rates next after the receipt of such precept the treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the rural municipality of No. as the case may be" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

Treasurer's percentage

6. In case the treasurer of any municipality against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per centum;

Treasurer and assessor officers of court

7. The treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

JOINT OWNERS.

Assessment of and voting by joint owners

332. Notwithstanding anything herein contained when land is jointly owned or occupied by more than four persons only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied first presenting themselves for the purpose of voting hereunder shall be deemed to be the owners or occupants of such land within the meaning of subclause (a) of clause 7 of section 2; and when land is so jointly owned or occupied by more than four persons the assessor shall in assessing such land enter on the assessment roll as the owner or occupant of such land the names of as many joint owners or joint occupants as there are half sections of the land so jointly owned or occupied and no more.

DISSOLUTION OF LOCAL IMPROVEMENT DISTRICTS.

Disposition of assets and liabilities on

333. Whenever any municipality organised on the thirteenth day of December, 1909, comprises a township or town-

ships that theretofore formed part of a local improvement district all the assets and liabilities apportioned to each such township under the provisions of *The Local Improvements Act* shall respectively be used for the benefit of and be a charge upon such township alone:

Provided however that save as between such township and the municipality such assets and liabilities shall be deemed to be the assets and liabilities of the municipality and the municipality may sue and be sued therefor:

Provided further that all arrears of taxes apportioned as aforesaid to any such township may be collected by such municipality in all respects as though such arrears were originally due to such municipality:

And provided further that such municipality may by a special rate or rates levy on any such township such tax as may be necessary to discharge any liability apportioned as aforesaid to such township.

334. Whenever a local improvement district is organised as a municipality such local improvement district shall on, from and after the date of such organisation cease to be a local improvement district; and all contracts, property, assets, rights and liabilities of such local improvement district as existing at the date of said order shall be deemed and taken for all purposes to be the contracts, property, assets, rights and liabilities of the municipality.

EXISTING MUNICIPALITIES.

335. Nothing contained in this Act shall affect or apply to the municipalities of Indian Head and South Qu'Appelle; but the said municipalities as they are now constituted shall continue to exist and to have and enjoy all the powers which they may possess by law at the time of the coming into force of this Act:

Provided however that the Lieutenant Governor in Council may upon presentation of a petition in that behalf by the council of either of the said municipalities declare from time to time by a proclamation or proclamations the date or dates on and after which this Act or any part thereof shall apply to the municipality and may alter the boundaries of the municipality.

✓ 1908-9

CHAPTER 7.

An Act to amend The Local Improvements Act.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1906, c. 26
s. 2
amended

1. Section 2 of *The Local Improvements Act* is hereby amended by adding thereto the following as clause 24 thereof:

Territorial
unit

"24. 'Territorial unit' means any portion of the province included within the boundaries of a municipality proposed to be organised under *The Rural Municipality Act* as shown on the map referred to in section 9 of said Act and not organised as a municipality or district and excluding therefrom the area of any city, town or village constituted therein."

Ss. 3 to 8
repealed
Disorganisa-
tion of
districts

2. Sections 3 to 8 inclusive of the said Act are hereby repealed and the following substituted therefor:

"3. Every district then existing under the provisions of this Act shall on, from and after the thirteenth day of December, 1909, become and be disorganised and cease to exist as a district.

Winding up

"4. Every council shall before the fifteenth day of November 1909, wind up the affairs of the district, settle and adjust all its assets and liabilities and apportion the same fairly and equitably among the townships comprised in such district.

Return to
be made

"5. Every council shall not later than the said fifteenth day of November, 1909, send to the commissioner a statement showing in detail the outstanding assets and liabilities of the district and the apportionment thereof among the townships comprised in such district.

Sale of
property

"(2) For the purpose of winding up the affairs of the district every council may sell and dispose of by public auction or private sale any personal property belonging to such district.

Notice of
claims

"6. Every council shall cause a notice which shall be in form II in the schedule to this Act or to the like effect to be published in two consecutive issues of *The Saskatchewan Gazette* and once a week for four consecutive weeks in some

newspaper published in the district or if there is no newspaper published there in the newspaper whose place of publication is nearest thereto and the last publication of such notice shall be not later than the first day of November, 1909.

"(2) Any person who fails or omits to send in to the secretary of the district before the seventh day of November, 1909, particulars of his claim against such district shall be debarred of his right to recover the same from such district or from any other district liable for the liabilities of such first mentioned district. Claims barred if not sent in

"7. In case the council shall disagree as to the proper adjustment, settlement or apportionment of the assets and liabilities of the district among the townships comprised therein the commissioner may appoint one or more persons who shall have power to adjust, settle and apportion among such townships the assets and liabilities of the district; and such person or persons shall have access to all books, records, papers and documents belonging to the district and any adjustment, settlement or apportionment made by such person or persons shall be binding on the district and on the townships thereof; such person or persons shall be paid such remuneration as the commissioner may determine which shall be paid by the district; and the person or persons so appointed shall have power to require the attendance during the course of such adjustment, settlement and apportionment of any councillor or officer of the district or of any other person whose presence he or they may deem necessary and shall have the same power as is exercisable by any judge or court in civil cases to compel the attendance of such councillor, officer or other person before him or them, to compel the production of documents and to take evidence under oath. Settlement in case of disagreement

"8. The commissioner may by order:

"(a) Constitute any territorial unit a district, assign a name and number thereto, divide the same into divisions as nearly as may be of uniform shape and area and assign to each division a number; Constitution of districts

"(b) From time to time change the name or number or both of any district;

"(c) From time to time change the boundaries of the divisions of any district or of any of them;

"(d) Whenever any area within a district is constituted a village under the provisions of *The Village Act* or included within the limits of a town or city withdraw such area from the district and adjust all assets, rights, liabilities and matters between the district and such village, town or city.

When order
to take
effect

"(2) Any order made under clause (a) of this section shall take effect only on, from and after the second Monday of December next following the date of such order.

Disposition
of assets
and
liabilities

"8a. Whenever any district constituted on or after the said thirteenth day of December, 1909, comprises a township or townships that theretofore formed a part of a district all the assets and liabilities apportioned to each such township shall respectively be used for the benefit of and be a charge upon such township alone:

"Provided however that save as between such township and the district such assets and liabilities shall be deemed to be the assets and liabilities of the district:

"Provided further that all arrears of taxes apportioned to any such township may be collected by such district in all respects as though such arrears were originally due to such district:

"And provided further that such district may by a special rate or rates levy on any such township such tax as may be necessary to raise a sum sufficient to discharge any liability apportioned to such township."

S. 11
repealed;
new s. 11

3. Section 11 of the said Act is hereby repealed and the following substituted therefor:

Representa-
tion of
divisions

"11. Every district shall be governed by a council composed of members elected one from each division of the district."

S. 19
repealed.
new s. 19

4. Section 19 of the said Act is hereby repealed and the following substituted therefor:

First
election

"19. The commissioner shall appoint a returning officer for each division for the first election in each district and such appointment may be made at any time after the date of the order constituting the district and before such order takes effect.

S. 16
amended

5. Section 16 of the said Act is hereby amended by striking out the words "a judge of the supreme court" in the ninth line thereof and substituting therefor the words "the judge of the district court for the judicial district within which the district is wholly or mainly situated."

S. 20 as
enacted by
1908, c. 13, s.
5, repealed;
new s. 20

6. Section 20 of the said Act as enacted by section 5 of chapter 13 of the Statutes of 1908 is hereby repealed and the following substituted therefor:

Election by
acclamation

"20. At the first and all subsequent elections the returning officer for each division shall at the time and place mentioned in the notice of the election declare the meeting open for the purpose of receiving nominations and any elector may propose or second the name of any duly qualified person to serve as councillor for such division and nominations may be received

from two o'clock until half-past two o'clock in the afternoon (mountain standard time) when if only one such person is nominated the returning officer shall declare such person duly elected.

"(2) If more persons than one are nominated the returning Poll officer shall forthwith open a poll which shall remain open from half-past two o'clock till four o'clock in the afternoon (mountain standard time) and as soon as possible after said four o'clock and before he leaves the room where the polling has taken place the returning officer shall declare elected as councillor for such division the person who shall have received the highest number of votes."

7. Section 25 of the said Act is amended by inserting the ^{S. 25} words "first and all" between the words "the" and "annual" ^{amended} in the fourth line thereof and by substituting the word "December" for "January" in the fifth line thereof.

8. Subsection (2) of section 25 of the said Act is hereby ^{S. 25 (2)} amended by inserting between the words "division" and ^{amended} "shall" in the first line thereof the words "whether appointed by the council or by the commissioner before the order constituting the district takes effect" and by substituting the word "December" for "January" in the fifth line thereof.

9. Subsection (4) of section 25 of the said Act is hereby ^{S. 25 (4)} repealed and the following substituted therefor: ^{repealed; new (4)}

"(4) At all elections subsequent to the first election each ^{Report of} returning officer shall report forthwith to the secretary the ^{returning officer} name of the councillor elected for his division."

10. Subsection (6) of section 25 of the said Act as enacted ^{S. 25 (6)} by subsection (2) of section 7 of chapter 13 of the Statutes of ^{as enacted by 1908, c. 13, s. 7} 1908 is hereby repealed. ^{repealed}

11. Section 29 of said Act is hereby repealed and the ^{S. 29} following substituted therefor: ^{repealed; new s. 29}

"29. The first meeting of each council shall be held on ^{First} the first Monday in January except when that Monday is a ^{meetings} public holiday in which case the meeting shall take place on ^{of council} the next subsequent day which is not a public holiday and the council of the previous year shall hold office until the new council meets:

"Provided however that the first council elected in any district shall hold office from the date of the election."

12. Subsection (1) of section 44a of the said Act as ^{S. 44a (1)} enacted by section 17 of chapter 13 of the Statutes of 1908 is ^{as enacted by 1908, c. 13, s. 17} hereby amended by striking out all the words in the first two ^{amended} lines thereof and substituting therefor the following words:

Appoint-
ment of
inspector

"It shall be the duty of every council and it shall have power to appoint from time to time such inspector or inspectors as are"; and further by striking out the words "and shall be subject to the supervision and direction of the chief inspector appointed under the said Ordinance" in the seventh, eighth and ninth lines thereof.

S. 44a
further
amended

13. Section 44a of the said Act is hereby further amended by adding thereto the following subsections:

Inspector
may enter
lands

"(4) In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector in accordance with the provisions of *The Noxious Weeds Ordinance* or in case the name or address of the owner of such land is unknown the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit.

Recovery of
amount
expended

"(5) Any amount expended in the work performed under the next preceding section which has not been satisfied on or before the first day of January next following its expenditure shall be added to and form part of the assessment of such lands in all respects as if it were an original tax and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the district.

Certificate
of
treasurer

"(6) A certificate purporting to be signed by the treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended."

New s. 70a
added

14. The said Act is hereby amended by inserting therein as section 70a the following section:

Effect of
change
from
district to
municipality

"70a. Whenever a district shall be organised as a municipality such district shall on, from and after the date of the organisation of such municipality cease to be a district and all contracts, property, assets, rights and liabilities of such district as existing at such date shall be deemed and taken for all purposes to be the contracts, property, assets, rights and liabilities of such municipality."

S. 83
amended

15. Section 83 of the said Act is hereby amended by substituting the word "November" for the word "December" wherever the same occurs therein.

Form E
amended

16. Form E in the schedule to the said Act as prescribed by section 20 of chapter 13 of the Statutes of 1908 is hereby amended by inserting the words "if necessary" between the words "and" and "from" in the eighth line thereof.

17. Section 18 of the said Act as enacted by section 4 of chapter 13 of the Statutes of 1908 is hereby amended by adding thereto the following proviso: ^{S. 18 amended}

"Provided that when land is jointly owned or occupied by more than four persons only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied first presenting themselves for the purpose of voting shall be deemed to be the owners or occupants of such land within the meaning of this section."

FORM H.

(Section 6.)

NOTICE.

Local Improvement District No. (*give number*).

Notice is hereby given that all persons having claims against Local Improvement District No. (*give number*) are required to send particulars of such claims to (*name and post office address of secretary*) the secretary of said District before the seventh day of November, 1909, and that any person who fails or omits to do so shall be debarred of his right to recover the same from said District or any other district that may be liable for the liabilities thereof.

Dated at _____ this _____ day of _____, 19 .

.....
Secretary,
Local Improvement District (*give number*).

1908-9

CHAPTER 8.

An Act respecting Judges' Orders in matters not in Court.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Enforcing
orders of
judge made
under spe-
cial statu-
tory au-
thority

1. Where jurisdiction has been or shall be given by any Act to a judge as *persona designata* he shall be deemed to have jurisdiction therein as a judge of the court to which he belongs and he shall have the same jurisdiction for enforcing his orders and judgments and as to proceedings generally and as to costs and otherwise as in matters under his ordinary jurisdiction as a judge of the court in which he is such judge so far as a different mode is not directed by the Act giving him the jurisdiction aforesaid.

Filing
orders

2. Every order of a judge of the supreme court made under statutory authority as aforesaid may be filed in the office of the local registrar of the court for the judicial district in which the matter is heard and every order of a judge of a district court made under a statutory authority as aforesaid may be filed with the clerk of such court and upon an order being so filed the same shall become and be an order of the supreme court or of the district court, as the case may be, and may be enforced in the same manner and by the like process as if the order had been made by either of the said courts respectively.

Fees on
filing

3. There shall be payable at the time of filing such order the like fees as would be payable upon the issue of an order made by a judge of the supreme court or of the district court, as the case may be, in the exercise of his ordinary jurisdiction.

Entry of
orders

4. Every order so filed shall be entered in the same manner as a judgment of the court in which the order is so filed.

Costs to be
in discre-
tion of
judge

5. The costs of every proceeding before a judge of the supreme court or of a district court under this Act shall be in the discretion of such judge.

No appeal
except when
expressly
authorised

6. There shall be no appeal from the order of a judge made as aforesaid unless an appeal is expressly authorised by the Act giving the jurisdiction.

✓ 1908-9

CHAPTER 9.

An Act to amend The Land Titles Act.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Clause 9 of section 2 of *The Land Titles Act* is hereby ^{1908, c. 24,}
amended by striking out the words "or commission *de lunatico* ^{s. 2, cl. 9}
inquirendo" in the second line thereof. ^{amended}

2. Section 56 of said Act as amended by section 3 of chapter ^{S. 56 as}
29 of the Statutes of 1908 is hereby amended by striking out ^{amended by}
the words "such notification" where they occur in the fifth ^{1908, c. 29,}
line thereof. ^{s. 2,} ^{amended}

3. Sections 64, 65, 66, 67, 68, 69, 158 and 159 of the said ^{Ss. 64, 65,}
Act are hereby amended by striking out the word "judge" ^{66, 67, 68,}
wherever it occurs therein and by substituting therefor the ^{69, 158 and}
words "inspector of land titles offices." ^{159 amended}

4. Subsection (1) of section 90 of the said Act as amended ^{S. 90 (1) as}
by section 4 of chapter 29 of the Statutes of 1908 is hereby ^{amended by}
amended by striking out the word "duplicate" where it occurs ^{1908, c. 29,}
in the third line thereof. ^{s. 4} ^{amended}

5. Subsection (2) of section 92 of the said Act is hereby ^{S. 92 (2)}
repealed and the following substituted therefor: ^{repealed;}
^{new}
^{subsection}

"(2) The owner of any estate leased or demised to him or to
the person from whom he claims a title for life or for lives or
for a term of more than three years in any land for which the
grant from the Crown has been registered may apply to have
his title registered and when any lease under the provisions of
this Act is registered the registrar shall retain possession of the
duplicate certificate of title on behalf of all persons interested
in the land covered by such lease; and the registrar shall if
desired furnish either to the lessor or lessee or to both a certifi-
cate of the registration of the lease in form DD in the schedule
to this Act."

6. Section 100 of the said Act is hereby amended by striking ^{S. 100}
out all words in the said section after the word "therefor" ^{amended}
where it occurs therein.

S. 103
repealed;
new
s. 103

7. Section 103 of the said Act is hereby repealed and the following substituted therefor:

Proceedings
to foreclose,
redeem, etc.

"103. Proceedings to enforce payment of moneys secured by mortgage or incumbrance or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or incumbrance or for the sale of the lands mortgaged or incumbered or to foreclose the estate, interest or claim of any person in or upon the lands mortgaged or incumbered as also proceedings to redeem or discharge any land from any such mortgage may be had and taken in the supreme court of Saskatchewan under the practice and procedure of the said court.

Entry in
case of
default, etc.

"(2) In case default is made in payment of the principal sum, interest, annuity or rent charge or any part thereof secured by any mortgage or incumbrance registered under this Act or in case default is made in the observance of any covenant expressed in any mortgage or incumbrance or herein declared to be implied in such instrument and in case such default continues for the space of one calendar month or for such longer period of time as may therein for that purpose be expressly limited the mortgagee or incumbrancee may pursuant to any covenant in that behalf contained in the mortgage forthwith after giving written notice a copy of which shall be filed in the land titles office in which the mortgage is registered to the said mortgagor or incumbrancer, his executors, administrators or assigns and to every other person appearing by the records of such land titles office at the time of filing such notice in the land titles office to have any mortgage, incumbrance or lien upon or estate, right or interest in or to the lands subsequent to such first named mortgage or incumbrance of his intention in that behalf without further consent or concurrence upon his or their part enter into possession of the lands and receive and take the rents, issues and profits thereof and whether in or out of possession thereof may make any lease of the same or of any part thereof as he may see fit and may also in such notice require the mortgagor or incumbrancer and such other interested persons as aforesaid to pay within a time to be specified in such notice the money then due or owing on such mortgage or incumbrance or to observe the covenants therein expressed or implied, as the case may be, and that all remedies competent will be resorted to unless such default be remedied.

Powers of
sale

"(3) After such default in payment or in the observance of any covenant continuing for the further space of two calendar months from the date of service of such notice such mortgagee or incumbrancee is hereby authorised and empowered pursuant to any power of sale contained in the said mortgage to sell the land so mortgaged or any part thereof and all the estate and interest therein of the mortgagor or incum-

brancer and of the other interested parties referred to in the last preceding subsection in such manner as the registrar may direct and either altogether or in lots by public or private contract or by such modes of sale and subject to such terms and conditions as to expenses or otherwise as the registrar may think fit.

“(4) Such mortgagee or incumbrancee may make and execute all such instruments as shall be necessary for the sale and enjoyment of the premises; and all such instruments shall be as valid and effectual as if the mortgagor or incumbrancer and other persons as aforesaid had made, done or executed the same and the receipt in writing of the mortgagee or incumbrancee shall be a sufficient discharge to the purchaser of such land, estate or interest or of any portion thereof for so much of his purchase money as may thereby be expressed to be received; and no such person shall be answerable for the loss, misapplication or nonapplication or be obliged to see to the application of the purchase money by him paid nor shall he be obliged to inquire as to the fact of any default or notice having been made or given as aforesaid or how the purchase money to arise from the sale of any such land, estate or interest shall be applied; such purchase money shall be applied: firstly, in payment of the expenses occasioned by such sale; secondly, in payment of the moneys which may then be due or owing to the mortgagee or incumbrancee; thirdly, in payment of the subsequent mortgages, incumbrances or liens, if any, in the order of the priority; and fourthly, the surplus, if any, shall be paid to the owner, mortgagor or incumbrancer, as the case may be.

Transfer by mortgagee to purchaser

Application of purchase money

“(5) Upon the registration of any instrument executed by a mortgagee or incumbrancee for the purpose of such sale as aforesaid the estate or interest of the owner of the land mortgaged or incumbered shall pass to and vest in the purchaser freed and discharged from all liability on account of such mortgage and of any mortgage, lien, charge or incumbrance created by any instrument registered subsequently thereto and the purchaser shall be entitled to receive a certificate of title for the same.

Effect of registration of transfer by mortgagee to purchaser

“(6) Whenever default has been made in payment of the principal or interest secured by a mortgage or incumbrance and such default shall be continued for six months after the time for payment mentioned in the mortgage or incumbrance the mortgagee or incumbrancee or his transferee may make an application in writing to the registrar for an order for foreclosure and such application shall state that such default has been made and has continued for the period aforesaid, that the land mortgaged or incumbered has been offered for sale at public auction under the provisions of this Act,

Foreclosure proceedings

that the amount of the highest bid at such sale was not sufficient to satisfy the moneys secured by such mortgage or incumbrance together with the expenses occasioned by such sale and that such notice or subsequent notice served upon the same persons declared the intention of the mortgagee or incumbrancee to make an application for foreclosure in case such sale proved abortive; and such application shall be accompanied by such proof of the matters stated by the applicant and by such other evidence as the registrar may require.

Service of
notice of
intention to
sell or apply
for
foreclosure

“(7) Unless the registrar shall see fit to order otherwise the notice whether of intention to sell or to apply for a foreclosure or for shall be served personally on such owner, mortgagor or incumbrancer and such other persons interested as aforesaid; but in case he or they cannot after due diligence be found the registrar may direct service of such notice by leaving the same on the mortgaged lands or by mailing the same in a sealed envelope by registered post directed to him or them at his or their last known address or in such other manner as the registrar may direct.

Publication
of notice

“(8) Upon such application the registrar may if he considers it proper cause notice to be published once in each of three consecutive weeks in such newspaper or newspapers as the registrar may direct and in two consecutive issues of *The Saskatchewan Gazette* offering such land for private sale; and the registrar shall appoint a time not less than one month from the date of the first of such advertisements or in case there is no advertisement not less than one month from the date of such application, upon and after which he may issue to such applicant an order of foreclosure unless in the interval a sufficient amount of money has been obtained from the sale of such land or paid by or on behalf of such owner, mortgagor or incumbrancer or other person as aforesaid to satisfy the principal and interest and other money secured and all expenses occasioned by such sale and proceedings; and every such order of foreclosure under the hand of the registrar when entered in the register shall have the effect of vesting in the mortgagee or his transferee the land mentioned in such order free from all right and equity of redemption on the part of the owner, mortgagor or incumbrancer or any person claiming through or under him subsequently to the mortgage or incumbrance; and such mortgagee, incumbrancee or transferee shall upon such entry being made be deemed a transferee of the land and become the owner thereof and be entitled to receive a certificate of title for the same.

Transfer of
mortgage to
third party

“(9) Where a mortgagor is entitled to redeem he shall have the power to require the mortgagee instead of giving the receipt or discharge in form M in the schedule to this Act to

transfer the mortgage to any third party as the mortgagor directs and the mortgagee shall be bound to transfer such mortgage to such third party in form T of this Act."

8. The said Act is amended by adding thereto the following New section 102a added
section:

"102a. A mortgagee or incumbrancee of lands may from Mortgagee may effect hail insurance time to time either upon the written request of the owner or in case there is at such time or times any default existing under such mortgage or incumbrance without such request apply for and obtain insurance against actual loss or injury to growing crops by hail of the crops then growing on the land subject to such mortgage or incumbrance and the cost of such insurance paid by the mortgagee or incumbrancee shall be added to the principal sum owing under and by virtue of such mortgage or incumbrance and shall be repayable with interest at the then next ensuing date set for payment of any instalment of principal or interest under such incumbrance."

9. Section 140 of the said Act is hereby amended by S. 140 amended inserting therein after the word "claiming" where it occurs in the first line thereof the words "any interest in."

10. Section 141 of the said Act is hereby amended by S. 141 amended inserting therein after the word "claiming" where it occurs in the third line thereof the words "any interest in" and further by striking out the words "to the registrar" where they occur in the fifth line thereof.

11. Section 176 of the said Act is hereby amended by S. 176 amended striking out the words "by a registrar or by any other person or authority" where they occur in the second line thereof and by inserting therein after the word "judge" wherever it occurs therein the words "or the inspector of land titles offices."

12. Sections 177 and 184 of the said Act are amended by Ss. 177 and 184 amended inserting therein after the word "judge" wherever it occurs therein the words "the inspector of land titles offices or the registrar having jurisdiction in the matter, as the case may be."

13. Sections 185, 187, 189 and 190 of the said Act are Ss. 185, 187, 189 and 190 amended amended by inserting therein after the word "judge" wherever it occurs therein the words "or the inspector of land titles offices, as the case may be."

14. Section 192 of the said Act is hereby amended by S. 192 amended striking out the words "the inspector of land titles offices"

where they occur in the first and second lines thereof and by inserting therein after the word "judge" in the third line thereof the words "or the inspector of land titles offices."

Form K
repealed;

15. Form K in the schedule to the said Act is hereby repealed and the following form K substituted therefor:

New form K

"FORM K.

(Sections 42 (c) and 99.)

AFFIDAVIT TO BE FILED WITH A MORTGAGE OR INCUMBRANCE

Province of Saskatchewan: }
To Wit: }

I (*name of mortgagor or incumbrancer*) of the
of in the
make oath and say:

1. That I am the mortgagor (*or incumbrancer*) named in the hereunto annexed instrument bearing date the and made in favour of against (*describe the lands mortgaged or incumbered*).

2. That I have paid the full purchase price for the said land and hold therefor the receipt of the executed by their duly authorised agent at and am entitled to a transfer in fee simple from the said

3. That the grant from the Crown has not yet been issued (*or the transfer from the company has not yet been received, as the case may be*) but that I am the person rightfully in possession of the said land and entitled to create the said mortgage (*or incumbrance*) under section 99 of *The Land Titles Act*.

4. That said land hereby mortgaged (*or incumbered*) is neither a homestead, purchased homestead nor a preemption under *The Dominion Lands Act*.

Sworn before me at the
of on the
day of 19 }

Signature."

Form Y
amended

16. Form Y in the schedule to the said Act is hereby amended by striking out the word "judge" wherever it occurs in said form and substituting therefor the words "inspector of land titles offices."

SCHEDULE.

FORM DD.

(Section 92.)

CERTIFICATE OF LEASE.

	Land Registration District.	
Lease No.	Certificate of Title No.	
This is to certify that a lease made by		
who was at the time of the registration of the said lease the		
registered owner of the land thereby demised to		
of all the lands described in the said lease No.		for the
term of	years from the	day of
	19	at an annual rental of \$
payable	was duly registered in the Land Titles	
Office for the	Land Registration District at	
on the	day of	19
at	o'clock in the	noon.
Dated at the Land Titles Office at		
this	day of	19

.....
Registrar.

✓
1908-9

CHAPTER 10.

An Act respecting the Veterinary Profession of Saskatchewan.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Veterinary Association Act.*"

INCORPORATION OF ASSOCIATION.

**The
Veterinary
Association
of Saskat-
chewan
incorporated**

2. Subject to the provisions of section 5 of this Act there shall be and there is hereby constituted as a body corporate and politic a society to be styled and known as "The Veterinary Association of Saskatchewan" (herein called "the association") and the association under such corporate name shall have perpetual succession and a common seal and may sue and be sued, contract and be contracted with and may acquire real and personal property by gift, purchase or otherwise and may sell, mortgage, lease or otherwise dispose of the same for the purpose of carrying into effect the provisions of this Act and of promoting the object of the association.

MEMBERSHIP.

**Interpreta-
tion**

3. All members of the association shall be styled "veterinary surgeons."

(2) In this Act unless the context otherwise requires the words "veterinary surgeon" means a person licensed as such under this Act and the words "veterinary surgery," "veterinary practice," "veterinary science" and words of similar import shall without restricting the general meaning of such words mean and include the performance of any surgical or dental operation upon animals, the diagnosis of diseases of animals and the prescribing or administering medicines for the cure of the same for hire, gain or hope of reward.

**Who shall
be members
of the
association**

4. The following persons shall be members of the association:

- (a) Every person who prior to the coming into force of this Act held a valid license entitling him to practise veterinary surgery in Saskatchewan under the

provisions of chapter 55 of *The Consolidated Ordinances 1898*, intituled "*An Ordinance respecting Veterinary Surgeons*" and Dominion Veterinary Inspectors operating in Saskatchewan and who within the period of seventy-five days after the passing of this Act or within such further time as may be fixed by the Lieutenant Governor in Council shall have deposited with the registrar such license together with a fee of \$10; and

- (b) Every other person who shall thereafter be registered under this Act.

(2) Before the coming into force of this Act the registrar shall enter in the register the names of such persons as have complied with clause (a) of this section and he shall also from time to time enter therein the names of such persons as may thereafter become members of the association under this Act. Registrar to enter names of members in register

5. At the expiration of the said seventy-five days or of such other time fixed by the Lieutenant Governor in Council pursuant to section 4 of this Act the Lieutenant Governor in Council shall in case that not fewer than thirty persons shall have been registered under the provisions of subsection (1) of section 4 of this Act order that the names of the persons so registered shall be published in *The Saskatchewan Gazette* and upon such publication the said persons shall be and shall constitute the association. Association constituted

6. Until such time as a council is elected for the association as hereinafter provided the control of the affairs of the association shall be vested in such person as may be appointed by the Lieutenant Governor in Council; and such person for the purpose of the first election of members of the council shall have all the powers of the registrar of the association under this Act; and the expression "registrar" as used herein shall be deemed to include such person. Control by Lieutenant Governor in Council

(2) The association shall pay to such person such salary and remuneration for travelling and other expenses as may be fixed by the Lieutenant Governor in Council. Remuneration of provisional registrar

7. There shall be a council of the association (herein called "the council") consisting of seven members to be elected as herein provided. Council

(2) No person shall be elected a member of the council unless he is a member of the association actually residing in Saskatchewan and unless his fees are fully paid up. Qualification of members

(3) The council of the association shall have the sole control and management of the real and personal property of the association. The powers of the council

Voters' qualifications

8. The persons entitled to vote for any member of the council shall be only such members of the association as actually reside in Saskatchewan and whose fees have been fully paid up before the preparation of the list prepared by the registrar pursuant to section 10 of this Act:

First election

9. The election of the members of the first council shall be conducted by the registrar at such time and place as may be designated by the Lieutenant Governor in Council notice whereof shall be published in *The Saskatchewan Gazette*.

Voting papers

10. At least one month prior to the day fixed for any election the registrar shall mail to each member of the association entitled to vote a complete list of all persons who are qualified for election under this Act together with a voting paper which shall be in form A in the schedule to this Act or to the like effect.

Improper insertion or omission of name

11. In case any member of the association entitled to vote complains to the registrar in writing of the improper omission or insertion of any name on the list it shall be the duty of the registrar forthwith to examine into the complaint and rectify such error if any there be and to advise such complainant of his decision in writing by registered post letter within three days after receiving such complaint; and in case any person is dissatisfied with the decision of the registrar he may appeal to a judge of the supreme court provided that such appeal be lodged with the judge at least fifteen days before the day on which the election is to be held; and the judge shall decide the appeal in a summary way and he may if he deems it necessary direct such notice of the time and place for hearing the appeal as he may prescribe to be given to such person as he may specify; and if it is necessary to hear evidence on such appeal it may be given *viva voce* under oath or by affidavit as the judge directs and the decision of the judge shall be final and conclusive and the list shall remain or be altered in accordance with such decision.

Corrected voters' list

12. The list made shall be the register of persons entitled to vote at the next ensuing election and no person shall be entitled to vote whose name is not upon such list.

Method of voting

13. Every member of the association desiring to vote shall write on such voting paper the names of the persons for whom he votes, shall subscribe his signature thereto and shall return such voting paper to the registrar in a sealed envelope marked "voting paper"; and only such voting papers as are received by the registrar up to and including the day of election shall be counted by him:

Provided however that no voting paper containing more or **Proviso** less than the full number of names of persons to be elected shall be counted.

14. For the purpose of the first election the registrar shall **Scrutineers** appoint two persons who shall act as scrutineers with the registrar and for subsequent elections a like number of scrutineers shall be appointed by the council.

15. Any person entitled to vote at any election shall be **Voters present at count** entitled to be present at the opening of the voting papers at such election.

16. At the hour of two o'clock in the afternoon next **Counting of votes** following the day of election the voting papers shall be opened by the registrar in the presence of the scrutineers who shall scrutinise and count the votes and a record thereof shall be kept by the registrar in a proper book to be provided for that purpose.

17. At the first election of members of the council the four **Election and term of office of members of the council** members receiving the highest number of votes cast shall be declared elected to hold office for a term of two years from the date of their election or until their successors are elected and the three members receiving the lowest number of votes cast shall be declared elected to hold office for a term of one year from the date of their own election or until their successors are elected; and thereafter the election of members of the council shall be held annually and every member elected shall hold office for two years.

18. In case of an equality of votes between two or more **Equality of votes** members of the association which leaves the election of one or more of such members undecided then the registrar shall forthwith put into a box a number of papers equal to the number of members who have an equality of votes, the said papers each having the name of one of the said members written thereon, being one paper for each candidate; the papers shall be so folded that the name thereon shall be inside and not distinguishable without the papers being opened; the papers shall be mixed together in the box and the registrar shall draw by chance from such box in presence of such persons as may be present one or more of such papers sufficient to make up the required number; and the persons whose names are upon such papers so drawn shall be declared members of the council.

19. The council may make such regulations not contrary **Regulation of election procedure** to the provisions of this Act as they may deem expedient for the procedure in respect of such elections.

20. The voting papers returned at any election shall not be **Disposition of voting papers** destroyed until after all petitions in respect of such election

have been decided but the same together with all other papers in connection with the election shall be retained by the registrar.

**Disputed
elections**

21. In the event of any dispute as to the election of members of the council the same may be decided in a summary way by a judge of the supreme court upon petition presented within ten days from the declaration of the result; the decision of the judge shall be final and the costs of the petition shall be in his discretion; the judge shall in and about such petitions have the like powers as in an ordinary cause in the supreme court.

**Vacancies
in council**

22. In case of failure in any instance to elect the requisite number of members of the council according to the provisions of this Act or in case of any vacancy caused by the death, resignation or ceasing to reside in Saskatchewan of any member during his term of office or by any other cause it shall be the duty of the registrar forthwith to hold a new election to fill such vacancy and the member elected to fill such vacancy shall hold office during the term of the person whose successor he is.

OFFICERS OF THE ASSOCIATION.

**Officers
of the
association**

23. The council shall elect annually from among its members a president, vice president and an executive committee of at least three; it shall also appoint a registrar who shall be a member of the association.

**Remunera-
tion of
officers**

(2) There shall be paid to the registrar and officers appointed by the council such salaries and remuneration for travelling expenses as may from time to time be fixed by bylaw or resolution of the council.

**Executive
committee
and powers
of same**

24. The executive committee may be called together by the registrar at any time between meetings of the council to take cognisance of and action upon all such matters as may be delegated to it by the council or as may require immediate interference or attention and any action taken by the committee shall be reported to the next ensuing meeting of the council and shall be valid until so reported when the council may deal with the same as it deems expedient; but the committee shall have no power to alter, repeal or suspend any bylaw of the council.

**Meetings of
council**

25. The council may make rules and regulations as to the times and places of the meetings of the council and the mode of calling the same which rules and regulations shall remain in force until altered by the council; and in the absence of any such rule or regulation it shall be lawful for the president or in the event of his absence or death for the vice president to call the same at such time and place as to him seems fit:

Provided that the first meeting of the first council shall be ^{Proviso} called by the registrar and shall be held at such time and place as may be designated by the Lieutenant Governor in Council. notice whereof shall be published in *The Saskatchewan Gazette*.

26. In the event of the absence of the president from any ^{Acting president} meeting the vice president or in the absence of the latter some other member of the council to be chosen from the members present shall act as president.

(2) Four members of the council shall form a quorum. ^{Quorum}

(3) All votes of the council shall be decided by a majority ^{Casting vote} of those present and in the event of an equality of votes the president for the time being shall have a casting vote in addition to the vote to which he is entitled as a member of the council.

27. There shall be paid to members of the council such fees ^{Remuneration of council} for attendance and such reasonable travelling expenses as may from time to time be fixed by bylaw or resolution passed by the council.

REGISTRATION.

28. The council shall cause to be kept by the registrar a ^{Form of register} register in the form B in the schedule to this Act in which he shall enter the name and the address of all members of The Veterinary Association of Saskatchewan at the time of the coming into force of this Act and from time to time the names of all persons who having complied with the provisions of this Act and with the rules, regulations and bylaws made thereunder are entitled to receive a license and those persons only whose names are inscribed in such register shall receive the annual license as hereinafter provided and such register shall be open to inspection at all times.

29. The following persons upon compliance with the provisions of the next following section shall be entitled to be registered and receive a license as herein provided: ^{Who may be registered}

- (a) Persons who at the time of the coming into force of this Act were entitled by law to practise veterinary surgery in Saskatchewan;
- (b) Persons possessing diplomas or certificates entitling them to practise as veterinary surgeons in any part of his Majesty's dominions granted prior to the passing of this Act by any body or association empowered by law to grant such diplomas or certificates;
- (c) Graduates of any recognised veterinary school or college having a regular curriculum of not less than three sessions of six months each;

- (d) Licentiates under *The Veterinary Association Acts* of the other provinces of Canada provided those provinces grant like privileges to licentiates under this Act;
- (e) Veterinary inspectors at the time of or after the passing of this Act holding an appointment under the provisions of *The Animal Contagious Diseases Act* chapter 75 of *The Revised Statutes of Canada 1906*;
- (f) Members of the teaching staff of the University of Saskatchewan or of any faculty thereof or of any agricultural college which may hereafter be established by the Government of Saskatchewan possessing diplomas or certificates of admission as veterinary surgeons granted by any body or association empowered by law to grant such diplomas or certificates;

1909 p 250
Admission
and qual-
ification of
members

30. Any person qualified under the provisions of the next preceding section shall ~~subject to clause (a) of section 4 of this Act~~ be admitted as a member of the association on payment of the admission fee fixed by the council pursuant to section 34 of this Act and upon producing to the registrar the document authenticating the qualification in respect whereof he asks to be registered; and in case of any person seeking to qualify under subsection (b) or (c) of the last preceding section he shall be required in addition to pass such examination as the council may prescribe and to produce proof satisfactory to the council that he was in good standing and in the actual practice of his profession up to the time of his coming to Saskatchewan.

Public
service

31. No person shall be appointed a district veterinarian or a veterinary surgeon in any branch of the public service of Saskatchewan unless licensed under this Act.

Professional
witness
fees

32. Persons licensed under this Act shall be entitled to professional fees for giving evidence in such cases as relate to veterinary practice.

Appeal
from
decision

33. Every person who applies to have his name entered in the register may appeal to the council of the association from any decision of the registrar and the council shall hear the appeal and determine the matters in question.

FEEES AND CERTIFICATES.

Fees and
certificates

Certificate
of
registration

34. The council shall have the power to fix all fees of admission and annual fees and shall prescribe the form of certificates to be issued by the registrar under this Act; the admission fee shall not be greater than \$25, and the annual fee shall not

be greater than \$10; and all fees and other moneys payable to the association shall be paid to the registrar and may be applied in carrying out the provisions of this Act.

35. Every member of the association in active practice in Saskatchewan shall on or before the fifteenth day of January in every year pay to the registrar of the association the annual registration fee and every person who subsequently to the fifteenth day of January in any year receives a license to practise shall before entering upon active practice pay such registration fee.

When annual registration fee to be paid

36. Upon receipt of the annual registration fee the registrar shall forthwith issue to the person from whom such fee is received a license to practise veterinary surgery for the year in respect of which such fee is paid which certificate shall be in the form prescribed by the council and shall be signed by the registrar and sealed with the seal of the association and such license shall be *prima facie* evidence in all courts of Saskatchewan and in all proceedings of whatsoever kind and description that the person named therein is duly licensed to practise veterinary surgery.

Annual license

WHO MAY PRACTISE.

37. All persons who have received a license to practise under this Act and who have paid the annual registration fee and no others shall be entitled to practise veterinary surgery in Saskatchewan.

Persons entitled to practise veterinary surgery

38. No person shall be entitled to sue for or to recover in any court in Saskatchewan any fee or remuneration of any sort or description in respect of any professional services rendered or materials or appliances provided by such person in the exercise or practice of veterinary surgery unless such person holds from the association a license to practise veterinary surgery in Saskatchewan at the time such services are rendered or materials or appliances provided:

No right of action in unqualified person

Provided however that nothing in this section shall prevent any person from suing for and recovering in any such court any amount or amounts which he would be lawfully entitled to sue for and to recover for any professional services performed or rendered by him or materials or appliances so provided by such person prior to the coming into force of this Act:

Proviso

Provided further that the provisions of this section shall not apply to any charge for castration, dehorning or spaying

Proviso

DISCIPLINARY.

39. The council of the association shall have jurisdiction and authority to hear and determine any charge which any person or persons may make against any member

Council may hear and determine charges

of the association in respect of the breach or violation by such member of any of the bylaws, rules or regulations of the council for the government, regulation and direction of the association or in respect of malpractice by any member of the association and upon receipt by the council of any such charge as aforesaid the council shall fix a time and place for the hearing of such charge of which time and place the member against whom such charge is made and the person or persons making such charge shall have due notice at least fourteen days before the time so fixed and at the time and place so fixed the council shall meet and hear such evidence as may be adduced and if the said charge is proved against such member the council may suspend such member from the practice of veterinary surgery in Saskatchewan for such period as they may see fit or may cancel and annul the license of such member and remove his name from the register of the association:

Proviso

Provided however that such member so suspended or whose license shall be cancelled as herein provided may be reinstated by the council and the said license and all rights and privileges thereunder fully renewed and restored by the council in such manner and upon such conditions and terms as the council shall see fit.

Oaths

40. Upon the hearing of any charge under the next preceding section the member of the council having the conduct of the proceedings may administer any oath to any witness produced for examination thereat.

Appeal to judge of the supreme court

41. Any person suspended from the practice of the profession of veterinary surgery whose license has been cancelled and whose name has been removed from the register of the association by the council as herein provided may at any time within six months after the date of the order of the council appeal to a judge of the supreme court for such relief as the nature of the case may require and the judge to whom such appeal has been taken shall after due notice to all parties concerned hear the said appeal and may make such order as to the restoration of the name of the appellant or confirming such removal of his name or for further inquiries into the facts of the case by the council and may also make such order as to costs as he shall deem just.

Costs of frivolous or vexatious charges

42. The council may order to be paid out of the funds at their disposal such costs as it may deem just to any person against whom any charge has been made which when formally determined is found to be frivolous and vexatious.

PENALTIES.**Unqualified person practising or holding out as qualified practitioner**

43. Any person not holding a license to practise veterinary surgery in Saskatchewan or not having paid the annual fee to be paid by a member of the association in any year as here-

inbefore provided who shall within Saskatchewan practise veterinary surgery except the castration, spaying or dehorning of any animal either publicly or privately for hire, gain or hope of reward or who shall append to his name the title "veterinary surgeon" or any abbreviation thereof or who shall hold himself out to be duly qualified to practise veterinary surgery in Saskatchewan and assume any title, addition or description implying or calculated to imply or to lead the public to infer or believe the person so assuming or holding out to be duly qualified or who prescribes or administers medicine for animals for hire, gain or hope of reward shall be liable upon summary conviction thereof by two justices of the peace to a penalty of not less than \$20 and not more than \$100 for the first offence and to a penalty of not less than \$50 nor more than \$200 for each offence committed subsequently to the first conviction.

44. The said justices shall forthwith after the payment of ^{Funds to be} the amount of any penalty to be paid by any such person so ^{transmitted} convicted as aforesaid transmit the same to the registrar and such penalty shall belong to the association for its use.

45. Every prosecution under this Act shall be commenced ^{Limitation} within six months after the committing of the alleged offence. ^{of pro-} ^{secutions}

46. In any prosecution of any person under the provisions ^{Onus of} of this Act for any offence set out in section 43 hereof the ^{proof} onus of proof that the person against whom such charge is laid is duly entitled to practise veterinary surgery in Saskatchewan and is duly registered under the provisions of this Act shall be upon the person against whom such charge is made.

47. There shall be general meetings of the association as ^{General} hereinafter provided and at all general meetings a majority of ^{meetings of} the members present having a right to vote thereat shall decide upon the matters brought before such meetings, the person ^{association} presiding having in case of an equality of votes a casting vote.

48. The members of the association shall hold an annual ^{Time and} general meeting and such special general meetings as the council ^{place of} may deem advisable; the annual general meeting shall be ^{general and} held at such time and place as may be fixed by the council; ^{special} notice of the time of such annual general meeting shall be ^{meetings} given in such manner as the council may by bylaw determine; and upon a requisition in writing signed by five members of the association entitled to vote requesting the council to hold a special general meeting such meeting shall accordingly be held within such reasonable time not exceeding thirty days as the council shall deem fit and notice thereof shall be given in manner to be fixed by the council.

49. The objects of the association shall include the study ^{Objects of} of veterinary science and practice with a view to a more ^{association}

thorough understanding of the diseases, contagious and otherwise, to which the domesticated animals of Saskatchewan are liable; and the council shall have power to make such bylaws, rules and regulations as may be deemed necessary for the carrying out of the objects of the association and from time to time may amend, revoke or repeal the same.

General
return
may be
called for

50. The registrar shall whenever required by the Lieutenant Governor in Council so to do transmit to the provincial secretary a certified return under the seal of the association setting forth all such information and particulars relating to the association as may from time to time be required or asked for.

C.O. 1898,
c. 55
repealed

51. Chapter 55 of *The Consolidated Ordinances 1898* intituled "*An Ordinance respecting Veterinary Surgeons*" is hereby repealed.

Coming -
into force
of Act

52. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

Cancellation
of existing
licenses
under
C.O. 1898,
chap. 55

53. On, from and after the coming into force of this Act all licenses issued under the provisions of the said chapter 55 of *The Consolidated Ordinances 1898* shall cease to remain in force and shall to all intents and purposes be deemed to have been cancelled by the Lieutenant Governor in Council.

SCHEDULE.

FORM A.

(Section 10.)

VOTING PAPER.

I, _____ resident
at _____ in the Province of Saskatchewan,
do hereby declare:

1. That I am a member of The Veterinary Association of Saskatchewan;

2. That the signature affixed hereto is of my proper handwriting;

3. That I vote for the following persons as members of the council of the association:

A.B. _____ of the
C.D. _____ of the

E.F. of the
G.H. of the
J.K. of the
L.M. of the
N.O. of the

4. That I have signed no other voting paper at this election;

5. That this voting paper was executed on the day of the date thereof.

Witness my hand this day of
 A.D. 19

.....

FORM B.

(Section 28.)

REGISTER.

No.	Name	Residence	Date of Graduation	Where Graduated	Date of Registration	Remarks

✓ 1908-9

CHAPTER 11.

An Act for the Protection of Wages to Threshing Machine Employees.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Thresher Employees' Act.*"

INTERPRETATION.

Interpreta- 2. In this Act unless the context otherwise requires:
tion

Employer 1. "Employer" includes any person or body of persons corporate or unincorporate with whom an employee as defined by this Act has entered into a contract of service whether such employer is the owner, lessee or bailee of the threshing machine on or about which such contract of service is performed;

Employee 2. "Employee" includes every person who is engaged in an employment of threshing on or about any threshing machine and means any person who has entered into or works under a contract of service with an employer as defined by this Act whether the contract is expressed or implied, is oral or in writing;

Court 3. "Court" means the district court of the judicial district within which the threshing or some part thereof has been performed; and "judge" means the judge of the said court.

Judge

Priority of
claim for
wages
against
earnings of
machines 3. Any employee who works for wages on or about any threshing machine shall to the extent of his wages have a claim against the earnings of his employer in the hands of a third person for whom such threshing has been done by his employer and in the course of which such employee was engaged; and such claim shall have priority over all assignments, attachments or garnishments of such earnings whensoever made and over every claim or right of every kind and description whatsoever accruing either before or after the passing of this Act.

(2) No such third person shall be liable to any action or proceeding by such employer or his assigns in respect of such earnings while retained by him pursuant to the provisions of this Act. Third person exempt from actions or proceedings

4. Such claim shall cease to exist unless such employee shall serve a claim and proceed as provided by this Act. Conditions of claim

5. Such claim shall be in writing and shall set out: Contents of claim

(a) The full name and post office address of such employee together with the post office address and full name of such employer where practicable with as much certainty and particularity as possible;

(b) A short description of the work or service done together with a statement of the length of time worked by such employee;

(c) The sum of money claimed as due.

(2) Such claim may be in the form A in the schedule to this Act or to the like effect and shall be verified by the affidavit of such employee. Form of claim

(3) Such claim shall within ten days after such threshing is completed be served on such third person and on such employer. Service of claim

6. Every such third person for whom such threshing shall have been done shall hold in his possession until the expiration of the said ten days the sum of money earned by such employee: Liability of third person to employee for wages

Provided, however, that in case a claim under this Act has within the said ten days been served upon him such third person shall continue to hold in his possession such sum of money until the expiration of thirty days from the completion of such threshing or for such further time as may be provided by this Act: Proviso

Provided, further, that such third person shall on default so to hold in his possession such sum of money be to the extent thereof liable for the wages due to every employee in respect of such threshing. Proviso

7. Subject to the provisions of section 8 of this Act such third person shall after the expiration of said thirty days pay to such employee upon demand the amount of his claim unless within the said thirty days such employer shall have served upon such third person a notice of contest as herein provided. Payment out to employee by third person

(2) All payments lawfully made under this Act by such third person shall be deemed to be payment *pro tanto* to such employer. Payments by third person protected

Proceed-
ings
against
third
person on
default of
payment

(3) In case such third person neglects or refuses to pay such wages upon demand as provided by this section he may be proceeded against by such employee under chapter 3 of the Ordinances of 1904, intituled "*An Ordinance respecting Masters and Servants*," the provisions whereof are hereby declared to be applicable to any proceedings taken by such employee under this section.

Proceedings
in case
total
claims
exceed
amount of
earnings

8. In case the total sum of money in respect of which such claims have been served on such third person exceeds the total sum of money earned by such employer in threshing for such third person such third person shall after the expiration of ten days and not later than thirty days after such threshing was completed pay into the district court such total sum of money which payment shall be a valid discharge to him against such employer to the amount paid and shall at the same time deliver or transmit by registered post letter to the clerk of such court all claims, notices of contest and all other documents served upon him relating to such sum of money.

Procedure
in case
claim is
contested
by employer

9. Whenever the provisions of the next preceding section shall not apply to the circumstances of the case such third person shall in case within the said thirty days he shall have been served with a notice of contest by such employer in respect of any claim as herein provided forthwith but not later than forty days after such threshing was completed and subject to the provisions of the next preceding section pay into the district court the sum of money claimed in such claim which payment shall be a valid discharge to him against such employer to the amount paid and he shall at the same time deliver or transmit by registered post letter to the clerk of such court the claim, notice of contest and all other documents served upon him and relating to the said sum of money:

Proviso

Provided, however, that in case the provisions of the next preceding section shall apply to the circumstances of the case such third person shall forthwith after being served with any notice of contest of such employer but not later than forty days after such threshing was completed deliver or transmit by registered post letter to the said clerk all claims, notices of contest and all other documents served upon him and relating to the said sum of money.

Costs of
person
paying
into court

10. The person so paying money into court under the provisions of sections 8 or 9 of this Act shall be entitled to deduct therefrom his necessary disbursements and costs (not exceeding five dollars) excepting when such sum of money is larger than the amount of the claim of the employee in which case the person so paying money into court may deduct such

costs and disbursements out of the balance in his hands but if such balance is not sufficient to cover such disbursements and costs he may deduct the difference from the amount to be paid into court.

11. The notice of contest provided by this Act shall be in form B in the schedule to this Act or to the like effect, shall contain a brief statement of the nature or grounds of contest and the post office address of such employer and be verified by the affidavit of the employer.

Form of
notice of
contest

12. The clerk of the court shall from time to time:

Proceedings
by clerk of
the
court upon
receipt of
claims,
name, etc.

- (a) Forthwith after receipt by him of money paid into court pursuant to sections 8 or 9 hereof notify by registered post letter such employer and all employees claiming in respect of such money; and
- (b) Forthwith after receipt by him of notice of contest under this Act notify by registered post letter every employee in respect of whose claim such notice of contest is given:

Provided that if an employer shall in his notice of contest omit to state his post office address the notice to him shall be mailed to the address stated by the employee in his claim as required by section 5 hereof.

Proviso

13. Where a sum of money is paid into court under this Act any employee claiming under this Act (or in case there are more than one claiming then any one of such employees) may sue out an interpleader summons to determine, adjust and finally settle the rights of the several claims and parties to such sum of money paid into court and in such proceedings between employees and employers the former shall be plaintiff and the latter defendant; and in the event of such interpleader summons not being sued out by any such employee within twenty days after such sum of money has been paid into court such sum of money shall be paid out only in pursuance of an order of the judge of the said court to such employer or his assigns or to such other person as may be entitled thereto.

Procedure
in district
court for
settlement
of claims

(2) Such interpleader summons shall be in form C in the schedule to this Act and any number of claimants may be joined therein.

Form of
interpleader
summons

14. Upon the return of such interpleader summons the judge shall summarily determine the rights of the said several parties to the money so paid into court and may make such order in the premises and as to costs as shall to him appear just.

Adjudica-
tion by
the judge

**Rateable
distribution
in case of
deficiency
of funds**

15. Where a sum of money has been paid into court by such third person and an order has been made for the payment of the sum out of court to such employees or any of them and such sum of money is not sufficient to satisfy in full the claims of such employees then in such case such sum of money shall be distributed rateably among such employees subject to any order of the court as to costs:

Proviso

Provided, however, that any sum of money so paid into court as to which no order of payment out to such employees or any of them shall have been made shall be paid out as provided by section 13 of this Act.

**Statement
of wages to
be furnished
by employer
to employee
on demand**

16. Every employer shall upon demand at any time of any employee or of any third person for whom threshing has been done forthwith furnish to such employee or to such third person a written statement setting forth the length of time for which such employee is entitled at the time of such demand to be paid for such work and setting forth the sum of money earned by such employee for such work up to that time which written statement shall be signed by such employer or by his foreman or agent acting for him; and if such employer or his foreman or agent refuses or neglects to furnish such written statement on demand he shall be liable upon summary conviction before a justice of the peace to a penalty of \$5 for every day during which such statement is withheld together with the costs of the prosecution:

Penalty

**Proviso
Contraven-
tion of
section
by foreman
or agent of
employer**

Provided, however, that any contravention of this section by the foreman or agent of any such employer shall be presumed to be the act of such employer but such presumption may be rebutted by proof of explicit instructions to the contrary by such employer and any such foreman or agent contravening the provisions of this section and disobeying such explicit instructions shall be liable to the penalty provided by this section.

Clerk's fees

17. The following fees shall be paid to the clerk of the district court in respect of the following matters herein provided for and may be by him retained as to clauses 1 and 2 of this section out of the money paid into court pursuant to sections 8 or 9 of this Act:

1. Filing claim, twenty-five cents;
2. Filing notice of contest, twenty-five cents;
3. Interpleader summons, fifty cents.

**Effect of
conviction
against
member of
partnership**

18. For the purposes of the consequences of any order or conviction by a justice of the peace under this Act an order or conviction against a member of a partnership shall be deemed to be an order or conviction against each member of such partnership.

SCHEDULE.

FORM A.

(Section 5.)

THRESHER EMPLOYEE'S CLAIM.

To
of
in the Province of Saskatchewan:

Sir:—

Take notice that I, the undersigned, claim from you payment of the sum of dollars as the balance of my wages for work done for (*insert here name in full and post office address of employer*) in threshing your grain; that I was employed at such work days, (*or weeks or as the case may be*), at dollars per day (*or as the case may be*) commencing the day of 19 and ending on 19 .
the day of

My post office address is

Dated at in the Province
of Saskatchewan this day of

19 .

.....
Name in full of Employee.

I, (*name in full of employee*), of
in the Province of Saskatchewan, labourer, make oath and say
that I am the above named employee, that I have executed the
above claim, that the statements contained therein are true both
in substance and in fact, and that there is still due to me for
wages as above set forth the sum of dollars.

Sworn before me at
in the Province of Saskatchewan
this
day of
19 .

.....
Name of Employee.

.....
(*A Commr. for Oaths, N.P. or J.P.
in and for the Province of Saskatchewan, as the case may be.*)

FORM B.

(Section 11.)

NOTICE OF CONTEST.

To _____ of
in the Province of Saskatchewan.

Sir:—

Take notice that the undersigned contests the claim served upon you by _____ on or about the _____ day of _____ 19 _____ on the following grounds:

(Here state briefly the grounds of contest in such manner that the particular nature thereof may be readily ascertained).

And further take notice that I require you to pay all money the subject of such claim into court as required by law.

My post office address is

Dated at _____ in the Province of
Saskatchewan this _____ day of _____ 19 _____

.....
Name in full of Employer.

I, *(name of employer in full)* of
in the Province of Saskatchewan, thresher, make oath and say:

That I am the employer above mentioned, that I have duly executed the above notice of contest and that the statements therein contained are true both in substance and in fact.

Sworn before me at _____
in the Province of Saskatchewan }
this _____ }
day of _____ 19 _____ }
Name of Employer.

.....
*(A Commr. for Oaths, N.P. or J.P.
in and for the Province of Saskat-
chewan, as the case may be.)*

FORM C.

[Section 18 (2).]

INTERPLEADER SUMMONS.

Canada: }
 Province of Saskatchewan. }

In the District Court of the Judicial District of
 Between of

Plaintiff.

and
 of

Defendant.

To the above named defendant:

You are hereby summoned to appear at the sittings of this
 court to be holden at on the
 day of 19 at o'clock in
 the noon when the claim of yourself and the plaintiff
 to the money paid into court by
 under the provisions of *The Thresher Employees' Act* will be
 adjudicated upon and such order may thereupon be made as
 the court may deem fit.

Dated at in the said Province of
 Saskatchewan this day of 19 .

By the court

.....
Clerk of the Court.

✓ 1908-9

CHAPTER 12.

An Act respecting Hail Insurance.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

- | | |
|--|--|
| Short title | 1. This Act may be cited as " <i>The Hail Insurance Act.</i> " |
| What
companies
may carry
on hail
insurance
business | 2. Notwithstanding any law in force in the province no company shall carry on the business of insurance against loss or injury to crops by hail excepting with the approval of the Lieutenant Governor in Council; but subject to such approval any such company may upon complying with the provisions of <i>The Companies Ordinance</i> or <i>The Foreign Companies Ordinance 1903</i> , as the case may be, carry on such business within the province. |
| Publication | 3. There shall from time to time be published in <i>The Saskatchewan Gazette</i> the names of all companies authorised to operate under the provisions of this Act. |
| 1903, c. 7
repealed | 4. <i>The Hail Insurance Ordinance</i> and all amendments thereto are hereby repealed. |

✓
1908-9

CHAPTER 13.

An Act to amend Chapter 24 of the Ordinances of 1903 intituled "An Ordinance Respecting Noxious Weeds."

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Section 4 of *The Noxious Weeds Ordinance* is hereby ^{Section 4 amended} amended by inserting after the word "shall" in the first line thereof the words "use all reasonable means within his power to."

(2) Subsection (3) of section 4 of the said Ordinance as amended by section 2 of chapter 43 of the Acts of 1906 is further amended by striking out the words "other municipality" in the second and third lines thereof and substituting therefor the word "village."

2. Section 5 of the said Ordinance is hereby ^{Section 5 amended} amended by adding thereto the following:

"Provided that before an inspector appointed by the council of a rural municipality or local improvement district takes ^{Proviso} action under clause (a) of this section he shall first consult with the councillor for the division within which such crop is situated."

3. Section 13 of the said Ordinance is hereby ^{Section 13 amended} amended by adding thereto the following words "if the said expenditure has been made by the department of agriculture or to the treasurer of the local improvement district or municipality that has authorised and made the expenditure."

4. Section 14 of the said Ordinance is hereby ^{Section 14 amended} amended by inserting the words "or rural municipality" after the word "district" in the first line thereof and by inserting the words "or council as the case may be" after the word "commissioner" in the second line thereof and by inserting the words "or municipal" after the word "improvement" in the sixth line thereof.

5. Section 15 of the said Ordinance is hereby ^{Section 15 amended} amended by inserting the words "reeve of a rural municipality or chairman of a local improvement district" after the word "commissioner" in the first and second lines thereof.

New
section 23
added

6. The said Ordinance is hereby further amended by adding thereto the following section:

Right of
entry in
inspector

"23. Every inspector of noxious weeds for the purpose of performing his duties and exercising the powers herein contained shall have the right of entering upon any land without the consent of the owner or occupant."

✓ 1908-9
CHAPTER 14.

An Act to amend The Liquor License Act.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 24 of *The Liquor License Act* is hereby amended 1908, c. 14,
s. 24 (7)
added
by adding thereto the following subsection:

“(7) The provisions of subsection (1) of this section shall Am 1909 p 253
not apply to hotels for which a license was on the first day of
April, 1908, in force or recommended by the board until the
first day of July, ~~1910~~, and the provisions of subsection (1)
of section 24 of *The Liquor License Ordinance*, being chapter
89 of *The Consolidated Ordinances 1898* as the same was re-
enacted by section 4 of chapter 26 of the Ordinances of 1903,
are in respect of such hotels hereby reenacted and shall until the
said first day of July, ~~1910~~, apply to such hotels.”

2. Subsection (2) of section 62 of the said Act is hereby s. 62 (2)
amended
amended by striking out the figures “10” in the seventh line
thereof and by substituting therefor the figures, words and char-
acters “(10 in the case of hotels elsewhere than in cities or
10.30 in the case of hotels in cities, as the case may be).”

3. Subsection (1) of section 65 of the said Act is amended s. 65 (1)
amended
by inserting therein after the word “night” in the seventh line
thereof the words “elsewhere than in cities and half-past ten
o'clock at night in cities.”

4. Subsection (2) of section 65 of the said Act is hereby s. 65 (2)
repealed
new (2)
repealed and the following substituted therefor:

“(2) No sale or other disposal of liquor shall take place in Prohibition
of sales on
certain
days
any licensed place on Christmas Day, Good Friday or Thanks-
giving Day or in any licensed place within the limits of a
polling subdivision during the whole of any polling day for the
election of a member for the Legislative Assembly or any day
on which a vote in accordance with the provisions of this Act
is being taken or before the hour fixed by law for the close of
the poll on the day of any municipal election.

S. 65 (3)
amended

5. Subsection (3) of section 65 of the said Act is amended by inserting after the word "on" in the tenth line thereof the words "Christmas Day, Good Friday, Thanksgiving Day or."

S. 65 (3)
amended

6. Subsection (3) of section 65 of the said Act is further amended by striking out the words "seven and nine" in the sixteenth line thereof and by substituting therefor the words "eight and ten."

S. 65 (3)
amended

7. Subsection (3) of section 65 of the said Act is further amended by inserting therein after the word "o'clock" where it secondly occurs in the eighteenth line thereof the words "elsewhere than in cities or between the hours of half-past ten o'clock and fifty minutes past ten o'clock in cities."

S. 82 (1)
amended

8. Subsection (1) of section 82 of the said Act is hereby amended by inserting therein after the word "club" in the eleventh line thereof the words "which shall not have obtained the permission of the attorney general as hereinafter provided" and by inserting after the word "purpose" in the twelfth line thereof the words:

Proviso

"Provided that the attorney general may on such terms as to inspection or otherwise as to him shall seem meet grant permission to any club incorporated by special Act to keep liquor on its premises for the use of the members thereof but no such permission shall be granted to a club which has not made provision satisfactory to the attorney general for supplying meals to or sleeping accommodation for the members thereof; but no such permission shall be granted to any club situate in a city, town or rural municipality in which a local option bylaw is in force declaring in favour of the prohibition of intoxicating liquors in such city, town or rural municipality and against the issue of licenses therefor."

S. 82
amended

9. Section 82 of the said Act is hereby amended by adding thereto the following subsection:

License fee
payable by
clubs

"(3) A fee of two hundred and fifty dollars shall be paid by every club obtaining the permission hereinbefore provided for before such permission is granted and such club shall annually thereafter pay a fee of two hundred and fifty dollars for every year during which such permission remains in force."

S. 82 (1)
amended

10. Subsection (1) of section 82 of the said Act is further amended by inserting after the word "force" where it first occurs in the seventeenth line thereof the words "or in any municipality where no license is in force for the sale of intoxicating liquors."

1908-9

CHAPTER 15.

An Act to amend The Statute Law.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. This Act may be cited as "*The Statute Law Amendment Act 1908*." Short title

2. Subsection (2) of section 16 of *The Jury Act* is amended 1907, c. 11, s. 16 (2) amended by inserting after the word "twenty-four" in the second line thereof the words "nor more than forty-eight." ✓

3. Subsection (1) of section 36 of *The Steam Boilers Act* is amended by striking out the figure "2" where it secondly occurs in the second line thereof and by substituting therefor the figure "3." 1906, c. 15, s. 36 (1) amended ✓

4. Section 2 of *The Children's Protection Act* is amended by adding thereto the following clause: 1908, c. 31, s. 2 amended ✓

"7. 'Child' means a boy or girl apparently or actually under the age of sixteen years." Child ✓

(2) Section 9 of the said Act is amended by inserting after the word "neglected" in the second line thereof the words "and dependent." S. 9 amended ✓

(3) Section 10 of the said Act is amended by striking out the words "apparently under the age of sixteen years" in the third line thereof. S. 10 amended ✓

5. Clause (a) of section 2 of chapter 55 of the Statutes of 1908, intituled "*An Act to incorporate The Institute of Chartered Accountants of Saskatchewan*" is amended by striking out the word "five" where it occurs in the second line thereof and by substituting therefor the word "twelve," and the said Act shall be construed as though the word "twelve" had always been therein contained. 1908, c. 55, s. 2, cl. (a) amended

6. Section 5 of *The Companies Ordinance* as amended by section 1 of chapter 31 of the Statutes of 1906 is hereby amended by inserting after the word "railways" where it 1901, c. 20, s. 5 as amended by 1906, c. 31, s. 1 amended ✓

occurs in the fifth line of said section 1 the words "or of telegraph lines, the business of insurance except hail insurance, the business of a loan company."

S. 141 as
amended by
1906, c. 31,
s. 2 amended

(2) Section 141 of the said Ordinance as amended by section 2 of the Statutes of 1906 is hereby amended by inserting after the word "railways," where it occurs in the fourth line of said section 2 the words "or of telegraph lines, the business of insurance except hail insurance, the business of a loan company."

1908, c. 37,
s. 1 amended

7. Section 1 of chapter 37 of the Statutes of 1908, intituled "*An Act to provide for the Consolidation of the Statutes of Saskatchewan*," is amended by striking out the words "present session" where they occur in the fourth line thereof and by substituting therefor the words "third session of the first Legislative Assembly of Saskatchewan and the first session of the second Legislative Assembly of Saskatchewan."

(2) The said Act is further amended by striking out the words, "*The Revised Statutes of Saskatchewan 1908*" and by substituting therefor the words, "*The Revised Statutes of Saskatchewan 1909*" wherever they occur therein.

1908, sess. 2,
c. 11
amended;
s. 3a added
Investments
in
terminable
debentures
in certain
companies

8. *The Trustee Ordinance* is hereby amended by adding after section 3 the following section:

3a. It shall be lawful for a trustee unless expressly forbidden by the instrument, if any, creating the trust to deposit with or to invest any trust funds in his hands in terminable debentures or debenture stock of the hereinafter mentioned societies and companies, provided that such deposit or investment is in other respects reasonable and proper and that the debentures are registered and are transferable only on the books of the society or company in his name as the trustee for the particular trust estate for which they are held in such debentures or debenture stock as aforesaid and that the deposit account in the company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit, receipt or pass book is not transferable by indorsement or otherwise.

Qualifica-
tion of such
companies

(2) Any incorporated society or company which has been or shall hereafter be authorised by any lawful authority to lend money upon mortgages on real estate or for that purpose and other purposes such society or company having a capitalised, fixed, paid up and permanent stock not liable to be withdrawn therefrom amounting to at least \$400,000 and having a reserve fund amounting to not less than 25 per cent. of its paid up capital and its stock having a market value of not less than 7 per cent. premium shall be a society or company within the meaning and intent of subsection (1) hereof.

"(3) The trustees may from time to time vary any such investments. Power to vary investments

"(4) No deposits or investments shall be made under the authority of this Act with or in the debentures of any such society or company which has not obtained the order of the Lieutenant Governor in Council approving of deposits with or investments in the debentures thereof; and such approval shall not be granted to any society or company which does not appear to have kept strictly within its legal powers in relation to borrowing and investment. Companies in which funds invested to be approved by Lieutenant Governor in Council

"(5) The Lieutenant Governor in Council if he deems it expedient may at any time revoke any order in council previously made approving of deposits with or investments in the debentures or debenture stock of any society or company and such revocation shall not affect the propriety of deposits or investments made before such revocation. Revocation of order in council approving of investments

"(6) This section shall apply and extend to both present and future trustees." Section to apply to all trustees

9. Subclause (i) of clause (c) of section 3 of *The 1907, c. 22, Corporations Taxation Act* is hereby amended by adding s. 3 amended thereto the following words:

"Provided that the money lent by such company upon municipal or school bonds or debentures or upon the bonds or debentures of any other local or public authority in Saskatchewan shall not for the purpose of this section be deemed to be money invested in the province."

10. Section 83 of *The Village Act* is amended by inserting 1908, c. 18, s. 83 amended after the word "years" in the eleventh line thereof the words "and that you are now actually residing in the village of"

(2) Section 145 of the said Act is hereby amended by adding s. 145 amended thereto the following clause:

"13. Acquiring, erecting, establishing and operating parks, Parks, rinks, etc. skating rinks and curling rinks and acquiring land within or without the village for the purposes of the same."

11. Clause 1 of section 6 of *The Agricultural Societies Act* is amended by striking out the word "fifty" in the third 1906, c. 33, s. 6, cl. 1 amended line thereof and substituting therefor the words "one hundred."

(2) Clause 1 of the said section 35 is amended by striking s. 35, cl. 1 amended out the word "fifty" in the second line thereof and substituting therefor the words "one hundred" and further by striking out the words "one dollar" in the fifth line thereof and substituting therefor the words "fifty cents."

S. 35, cl. 5
amended ✓ (3) Clause 5 of the said section 35 is amended by striking out the symbol and figures "\$100" in the third line thereof and substituting therefor the symbol and figures "\$66 $\frac{2}{3}$."

S. 35, cl. 7
amended ✓ (4) Clause 7 of the said section 35 is amended by striking out all the words after "offered" in the second line thereof and substituting therefor the words, symbol and figures "an amount equal to two-thirds of the amount actually paid out for prizes but not exceeding the sum of \$66 $\frac{2}{3}$."

1908, c. 16,
s. 13
amended ✓ 12. Section 13 of *The City Act* is amended by inserting after the word "votes" where it occurs in the thirteenth line thereof the words "or in the event of there being no poll the half first nominated" and further by inserting after the word "annually" where it occurs in the fifteenth line thereof the words "by a general vote of the electors."

S. 15
amended ✓ (2) Section 15 of the said Act is amended by inserting after the word "of" where it firstly occurs in the second line thereof the words "six or" and further inserting after the word "bylaw" where it occurs in the third line thereof the words "in the case of a first election and in the case of any subsequent election by a referred bylaw" and further by inserting after the word "determine" where it occurs in the fourth line thereof the words "such bylaw to take effect so as to be applicable to the then next ensuing election for aldermen and the aldermen then in office shall hold office only until the new council meets as is hereinafter provided notwithstanding that the term of office for which they were elected shall not have elapsed, the number of aldermen to be elected to be an even number and unless otherwise determined by the said bylaw or by a referred bylaw under the provisions of section 12 hereof of the number of aldermen so elected the half receiving the highest number of votes or in the event of there being no poll the first half nominated shall hold office for two years and the remaining half for one year and thereafter one half the required number of aldermen shall be elected annually by a general vote of the electors and shall hold office for two years unless otherwise provided:

Proviso "Provided however that the term of office of any alderman shall in no case exceed two years."

Retroactive (3) This section shall be deemed to have been in force on and from the first day of November, 1908, and the provisions thereof shall be construed as if the same had always been contained in *The City Act*.

1904, c. 3,
s. 3
amended ✓ 13. Section 3 of chapter 3 of the Ordinances of 1904 intituled "*An Ordinance Respecting Masters and Servants*" is amended by striking out the words "two months' wages" wherever they occur therein and by substituting therefor the words "exclusive of costs the sum of \$100."

14. Section 18 of *The Creditors' Relief Ordinance* is hereby repealed and the following section substituted therefor:

C.O. 1898,
c. 26, s. 18
repealed;
new
section 18
Employees
to have
priority
of claims

"18. All persons in the employment of an execution debtor at the time of the notice mentioned in subsection (a) of section 3 of this Ordinance or within one month before such notice who filed in the office of the sheriff their claims for wages or salary with the particulars thereof proved by affidavit in the form C in the schedule to this Act or to the like effect shall be entitled to be paid out of the money levied out of the property of a debtor the amount of wages or salary due to them by such execution debtor not exceeding three months' wages or salary in priority to the claims of the other creditors of the execution debtor and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims; such wages or salary to be for arrears only and not for any unearned portion; the provisions of this section shall apply to wages or salary whether the employment in respect of which the same may be payable be by day, week, month or year."

SCHEDULE.

FORM C.

AFFIDAVIT OF CLAIM.

Affidavit of
claim for
wages

Between A.B. of claimant
and C.D. of defendant

I, A.B. of , (occupation), make oath and say:

1. I am the above named claimant.

2. The above named defendant is justly and truly indebted to me in the sum of dollars for (here state shortly the nature and particulars of the claim).

Sworn before me at
in the Province of
this day of 19 . } A.B.

(A Commissioner for Oaths, Notary Public,
or Justice of the Peace in and for the
Province of Saskatchewan (or as the case
may be).

15. Subsection (4) of section 27 of chapter 38 of the Statutes of 1908 is hereby repealed and the following substituted therefor:

1908, c. 38.
s. 27 (4)
repealed

"(4) Section 41 of the said Act is amended by adding thereto the following proviso:

Proviso "Provided, however, that where the venue has been settled by agreement in writing between the parties the plaintiff may at his option exercise the rights given by such agreement."

1907, c. 9,
s. 29
amended
Proviso ✓ **16.** Section 29 of *The District Courts Act* is amended by adding thereto the following proviso:
"Provided, however, that where the venue has been settled by agreement in writing between the parties the plaintiff may at his option exercise the rights given under such agreement."

C.O. 1898,
c. 43, s. 12
amended
✓ **17.** Section 12 of *The Bills of Sale Ordinance* is amended by inserting after the word "shall" where it occurs in the third line thereof the words "set forth the names, surnames, additions and post office addresses of all the parties thereto and shall" and by striking out the word "thereof" in the fourth line thereof and substituting therefor the words "of such goods and chattels."

S. 14
amended
✓ (2) Section 14 of the said Act is amended by striking out the words "names of all the parties to" in the third line thereof and substituting therefor the words "name of the mortgagor in each" and further by repealing the words after the word "name" in the fifth line thereof.

S. 15 (4)
amended
✓ (3) Subsection (4) of section 15 of the said Act is amended by striking out the words "shall keep a separate register of such seed grain mortgages and" in the first and second lines thereof.

S. 23
amended
✓ (4) Section 23 of the said Act is amended by inserting after the word "Territories" in the third line thereof the words "or of the district court of the judicial district within which such goods and chattels are situate."

S. 33
repealed;
new s. 33
(5) Section 33 of the said Act is hereby repealed and the following section substituted therefor:

Clerk's fees ✓ **"33.** For services under this Act each registration clerk shall be entitled to receive the following fees:

"1. For each filing including stamping duplicate original, if any, with registration stamp, 50 cents;

"2. For filing each assignment, renewal statement or certificate of discharge and for making all proper indorsements in connection therewith, 50 cents;

"3. For searching each name, 50 cents;

"4. For each certificate or abstract of search, 25 cents;

"5. For each certificate under section 27 of this Act, 50 cents;

"6. For copies of any document filed under this Act, with certificate thereof, every 100 words, 10 cents."

18. Chapter 44 of *The Consolidated Ordinances 1898*, intitled "*An Ordinance Respecting Hire Receipts and Conditional Sales of Goods*" is amended by adding thereto the following sections: C.O. 1898,
C. 44
amended

"3. The seller or bailor, his executors, administrators or assigns or his or their agent shall within thirty days next preceding the expiration of two years from the date of such registration file with such registration clerk a renewal statement verified by affidavit showing the amount still due to him for principal and interest, if any, and of all payments made on account thereof and whether or to what extent the condition, if any, of the bailment is still unperformed and thereafter from year to year a similar statement similarly verified within the thirty days next preceding the expiration of the year from the filing of the last renewal statement; and in default of such filing the seller or bailor shall not be permitted to set up any right of property or right of possession in the said goods as against the creditors of the buyer or bailee or any purchaser or mortgagee of or from the buyer or bailee in good faith for valuable consideration. Renewal of
registration

"4. Any seller or bailor or agent of such seller or bailor making any false statement in such renewal statement shall be liable on summary conviction thereof to a penalty not exceeding \$100. Penalty
for false
statement

"5. Any seller or bailor shall be bound by any statement made by him or his agent in such renewal statement and the goods shall be liable to redemption and the seller or bailor be divested of his property and right of possession, if any, in the goods upon payment of the amount actually due and owing in respect thereof or upon performance of the condition of the bailment by the buyer or bailee or any person claiming by, through or under the buyer or bailee. Seller
bound by
statement
made in
renewal

"12. Subject to the rights of third persons accrued by reason of such omissions as are hereinafter defined any judge of the supreme court or the judge of the district court of the judicial district within which such goods and chattels are situate on being satisfied that the omission to register any instrument under this Act within the time prescribed by this Act or the omission or misstatement of the name, residence or occupation of any person was accidental or due to inadvertence or impossibility in fact may in his discretion order such omission or misstatement to be rectified by the insertion of the true name, residence or occupation or by extending the time for such registration on such terms and conditions, if any, as to security, notice by advertisement or otherwise or as to any other matter as he thinks fit to direct. Rectification
of
omissions
and errors
Came into force 15 Feb 11
Proclamation Jan 26 11

Clerk may
administer
affidavits

"13. All affidavits required for this Act may be taken and administered by the registration clerk and the sum of 25 cents shall be payable for every affidavit thus administered."

S. 10
repealed;
new s. 10

(2) Section 10 of the said Ordinance is repealed and the following substituted therefor:

Fees

"10. For services under this Act each registration clerk shall be entitled to receive the following fees:

"1. For each registration including stamping original or duplicate, if any, with registration stamp, 25 cents;

"2 For searching each name, 25 cents;

"3. For each certificate or abstract of search, 25 cents;

"4. For copies of documents, including certificate thereof, every 100 words, 10 cents."

S. 11 as
enacted
by 1907,
c. 17, s. 2
amended

(3) Section 11 of the said Ordinance as enacted by section 2 chapter 17 of the Statutes of 1907 is amended by striking out the word "and" where it occurs in the seventh line thereof and by substituting therefor the words "provided that" and further by inserting after the word "and" where it occurs in the tenth line thereof the words "provided further that."

C.O. 1898,
c. 45, s. 13
repealed;
new
section 13

19. Section 13 of chapter 45 of *The Consolidated Ordinances 1898* intituled "*An Ordinance respecting Partnerships*" is repealed and the following section substituted therefor:

Fees

"13. For services under this Act each registration clerk shall be entitled to receive the following fees:

"1. For filing each declaration including stamping duplicate original, if any, with registration stamp, 50 cents;

"2. For searching in the firm index book, each firm, 25 cents;

"3. For searching each name in the individual index book, 25 cents;

"4. For each certificate, 25 cents;

"5. For copies of documents with certificate thereof, for every 100 words, 10 cents."

Coming
into
force of
ss. 17, 18
and 19

20. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which sections 17, 18 and 19 of this Act shall become and be in force and the said sections shall on and after such day so declared become and be in force.

1908, c. 17,
s. 306
amended

21. Section 306 of *The Town Act* is amended by inserting after the word "of" in the ninth line thereof the word "debenture" and the said Act shall be so construed as though the word "debenture" had always been therein contained.

(2) Clause 20 of section 169 of the said Act is hereby repealed and the following substituted therefor: S. 169, cl. 20 repealed

"20. Acquiring, erecting, establishing and operating parks, skating rinks and curling rinks and acquiring land within or without the town for the purposes of the same." Parks, rinks, etc. ✓

22. *The Saskatchewan Election Act* is amended by adding thereto the following section: 1908, c. 2 amended S. 286 added

"**286.** Until otherwise provided by the Lieutenant Governor in Council the operation of sections 15 to 82 both inclusive of this Act is suspended except for the purpose of the completion of the lists provided for in the proclamation issued during the year 1908 under section 15 hereof; and with respect to any election which shall take place during the said period of suspension the list made in pursuance of such last mentioned proclamation shall be used." Operation of sections 15 to 82 suspended
Rep new sec 1909 p 252 ✓

23. Section 21 of *The Land Titles Act* is amended by adding thereto the following subsection: 1906, c. 24, s. 21 amended

"(2) Until the actual establishment of an office in any new registration district set apart by order in council all registrations made in the offices of the district or districts from which the territory comprising such new district was set apart shall be and are hereby declared always to have been as valid as if made in such new district when fully established." Provisional registration in new districts ✓

1908-9

CHAPTER 16.

An Act respecting the Council of the City of
Prince Albert.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Election
validated

1. The election of aldermen for the city of Prince Albert holden on December 14, 1908, is hereby declared to have been validly holden, and the five aldermen declared elected at said election together with the three aldermen whose term of office had not then expired are hereby declared to be the duly elected aldermen of the city of Prince Albert subject however to the provisions of *The City Act* respecting qualifications and corrupt practices.

Term of
office

2. Subject to said provisions respecting qualifications and corrupt practices of the five aldermen so elected at said election the four receiving the highest number of votes shall hold office for two years and the one receiving the lowest number of votes shall hold office for one year; and thereafter subject to the provisions of *The City Act* there shall be four aldermen elected annually for the said city of Prince Albert who shall hold office for two years.

1908-9

CHAPTER 17.

An Act respecting the Council of the City of
Moose Jaw.

[Assented to January 23, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. The election of aldermen for the city of Moose Jaw ^{Election validated} holden on December 14, 1908, is hereby declared to have been validly holden and the five aldermen declared elected at said election together with the one alderman whose term of office had not then expired are hereby declared to be the duly elected aldermen of the said city of Moose Jaw subject however to the provisions of *The City Act* respecting qualifications and corrupt practices.
2. Subject to said provisions respecting qualifications and ^{Term of office} corrupt practices of the five aldermen so elected at said election the three receiving the highest number of votes shall hold office for two years and the two receiving the lowest number of votes shall hold office for one year; and thereafter subject to the provisions of *The City Act* there shall be three aldermen elected annually for the said city of Moose Jaw who shall hold office for two years.

1908-9

CHAPTER 18.

An Act to incorporate The Saskatchewan North-Western Railway Company.

[Assented to January 23, 1909.]

Preamble

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway hereinafter set forth and it is expedient to grant the prayer of the said petition:

Enactment

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. William Mackenzie and Donald D. Mann, both of the city of Toronto in the province of Ontario, railway contractors, Zebulon A. Lash of the same place, one of his Majesty's counsel, David B. Hanna of the same place, railway official, and Gerard G. Ruel of the same place, barrister at law, together with such persons as become shareholders in the company are hereby constituted a body corporate under the name of "The Saskatchewan North-Western Railway Company" herein called "the company."

Head office

2. The head office of the company shall be at the city of Regina in the province of Saskatchewan or such other place in Canada as the company may by bylaw prescribe.

Provisional directors

3. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the said company.

Capital stock

4. The capital stock of the company shall be five million dollars and may be called up by the directors from time to time as they deem necessary but no calls shall exceed ten per cent. of the share subscribed.

Annual meeting

5. The annual meeting of the shareholders shall be held on the first Monday in February in each year.

Election of directors

6. At such meeting the subscribers for the capital stock assembled who have paid all calls on their shares shall choose

not less than five nor more than nine persons to be directors of the company one or more of whom may be paid directors of the company.

7. The company may lay out, construct and operate the following lines of railway of the gauge of four feet eight and one-half inches: ^{Main objects}

- (a) From a point on or near the authorised line of the Canadian Northern Railway between Prince Albert and Battleford, thence northerly to a point on or near Crooked lake;
- (b) From a point on the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company's line between Aylesbury and Davidson, thence in a generally northerly and westerly direction to the provincial boundary;
- (c) From a point on the Canadian Northern Railway between Kaiser and the eastern boundary of the province, thence in a generally westerly direction to the western boundary of the province south of the Saskatchewan river;
- (d) From a point in or near Moose Jaw, thence in a generally southerly and easterly direction to the international boundary;
- (e) From a point between ranges one and twelve west second meridian on or near the authorised line of the Canadian Northern Railway, thence in a generally southerly direction to or near the Souris coal fields and the international boundary.
- (f) A line from Craven on the Craven branch of the Qu'Appelle, Long Lake and Saskatchewan Railway, thence in a generally northerly direction west of Last Mountain lake to a point on the Prince Albert branch of the Canadian Northern Railway between Adam's Ferry and Brancepeth.

8. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the railway and branches over prairie country and \$25,000 per mile of the lines of railway north of the North Saskatchewan river; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. ^{Issue of bonds}

9. The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act and the same shall form a part of and be construed with this and as forming one Act and the same shall apply to the company and to the railway to be constructed by it excepting in so far as the said ^{Application of Railway Act}

clauses are expressly varied by this Act or are inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said *The Railway Act* as aforesaid.

Company
may enter
into
agreements

10. The company may enter into agreement with the Canadian Northern Railway Company or the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company or any other company authorised to contract with it for the selling, leasing or conveying to such company the railway and undertaking of the company in whole or in part or for purchasing or leasing from such company the railway and undertaking of such company in whole or in part or for amalgamation.

1908-9

CHAPTER 19.

An Act respecting The Saskatchewan Central
Railway Company.

[Assented to January 23, 1909.]

WHEREAS The Saskatchewan Central Railway Company Preamble
has by its petition prayed that it be enacted as herein-
after set forth and it is expedient to grant the prayer of the said
petition:

Therefore his Majesty by and with the advice and consent of
the Legislative Assembly of Saskatchewan enacts as follows:

1. Chapter 61 of the Statutes of 1906 intituled "*An Act to* 1906, c. 61
incorporate The Saskatchewan Central Railway Company" as and 1907, c.
amended by chapter 44 of the Statutes of 1907 intituled "*An* 64 revived
Act respecting The Saskatchewan Central Railway Company"
is hereby revived and declared to be in force and the said The
Saskatchewan Central Railway Company save as herein other-
wise provided is declared to be and to have been from the date
of the passing of the said Act an existing corporation as incor-
porated by and subject to the provisions of the said Act as
amended by the said chapter 44 and by this Act and for the
purposes of section 69 of *The Railway Act* the date of the incor-
poration of the said company shall be deemed to be and always
to have been the date of the passing of this Act.

1908-9

CHAPTER 20.

An Act to incorporate The Farmers' Railway Company.

[Assented to January 23, 1909.]

- Preamble** **W**HEREAS a petition has been presented praying for the incorporation of a company to construct, acquire and operate certain lines of railway as hereinafter set forth and it is expedient to grant the prayer of the said petition:
- Enactment** Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:
- Incorporation** 1. David W. Hines of Davidson, George W. Mollison of Govan, J. W. Hines of Craik, William Montgomery of Nokomis, Lewis E. Thompson of Davidson and Homer Etter of Lewis, all in the province of Saskatchewan, farmers, together with all such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Farmers' Railway Company" hereinafter called "the company."
- Head office** 2. The head office of the company shall be at the city of Regina in the province of Saskatchewan.
- Provisional directors** 3. The persons mentioned by name in the first section of this Act are hereby constituted the provisional directors of the said company.
- Capital stock** 4. The capital stock of the company shall be one million dollars divided into shares of one hundred dollars each and may be called up by the directors from time to time as they deem necessary but no calls shall exceed ten per cent. of the shares subscribed.
- Annual meeting** 5. The annual meeting of the shareholders of the company shall be held on the second Tuesday of January in each year.
- Election of directors** 6. At such meeting the subscribers for the capital stock assembled who have paid all calls on their shares shall choose not less than five nor more than nine persons to be directors of the company one or more of whom may be paid directors of the company.

7. The company may lay out, construct and operate a ^{Main} ~~subject~~ railway of the gauge of four feet eight and one-half inches from Regina north along the west side of Last Mountain lake to a point at or near Humboldt and thence to a point at or near Melfort.

8. The company may issue bonds, debentures or other ^{Issue of} ~~bonds~~ securities to the extent of twelve thousand dollars per mile of the railway and branches and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

9. The several clauses of *The Railway Act* shall be and the ^{Application} ~~same~~ are hereby incorporated with this Act and the same shall ^{of Railway} ~~Act~~ form a part of and be construed with this Act as forming one Act and the same shall apply to the company and to the railway to be constructed by it excepting in so far as the said clauses are inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said *The Railway Act* as aforesaid.

1908-9

CHAPTER 21.

An Act to incorporate The Regina Inter-Urban
Tramway Company.

[Assented to January 23, 1909.]

Preamble

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate the railway or tramway line as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation

1. J. L. R. Parsons of the city of Regina in the province of Saskatchewan, civil engineer; Rene Raoul Barber, of the town of Georgetown in the province of Ontario, paper manufacturer; Chester John Harris of the city of Brantford in the province of Ontario, capitalist; W. M. Logan, banker, Joseph F. Frame, barrister, both of the city of Regina, aforesaid, and J. H. Housser of the city of Toronto, capitalist, together with all such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Regina Inter-Urban Tramway Company," herein called "the company"

Head office

2. The head office of the company shall be at the city of Regina in the province of Saskatchewan.

Provisional directors

3. The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the said company.

Capital stock

4. The capital stock of the said company shall be \$250,000 divided into two thousand five hundred shares of \$100 each and may be called up by the directors from time to time as they deem necessary but no one call shall exceed 10 per cent. of the shares subscribed.

Annual meeting

5. The annual meeting of the shareholders shall be held on the second Monday of January in each year.

Directors

6. At such meeting the subscribers for the capital stock assembled who have paid all calls on their shares shall choose

not less than five nor more than nine persons to be directors of the company one or more of whom may be paid directors of the company.

7. The company may lay out, construct, own and operate a railway or tramway to be operated by steam or by electricity or partly by steam and partly by electricity or by other power; such railway or tramway to be of the gauge of four feet eight and one-half inches and such railway or tramway to be constructed and to be operated in the province of Saskatchewan as follows: Location of proposed tramway

- (a) Commencing at a point on Albert street at the northern limits of the said city of Regina, thence northerly to a point in township 19 range 19 west of the second principal meridian, thence westerly eight miles to a point in township 19 range 21 west of the second principal meridian, thence northerly four miles to the north boundary of township 19 range 21 west of the second principal meridian, thence westerly to the town of Lumsden, thence north-easterly to the town of Craven, thence north-westerly along the east and west shores of Long lake.

8. The company may issue bonds, debentures or other securities to the extent of \$10,000 per mile of the railway or tramway and branches and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed. Bond issue

9. The company may also as part of its business build, acquire, own and maintain steam and other vessels and boats and operate them on any navigable waters touched by or adjacent to its line of railway or tramway and may also build, acquire, own, maintain and operate for said purposes conveyances for the transportation of passengers or freight or both within the province with power to operate same by electricity, steam, gasoline or horse power. Special powers of company, own, vessels, etc.

10. The company may in connection with its railway or tramway and for the purposes of its business construct, acquire, operate and maintain warehouses and hotels at points along its line of railway or tramway. Acquire, etc., warehouses and hotels

11. Section 69 of *The Railway Act* shall not apply to this company or to its undertaking; the company shall however within two years from the coming into force of this Act construct and put in operation at least three miles of its railway or tramway and shall complete the whole railway or tramway within five years after the coming into force of this Act. Exemption from s. 69 Railway Act

Application
of The
Railway
Act

12. The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act and the same shall form a part of and be construed with this Act as forming one Act and the same shall apply to the company and to the railway or tramway to be constructed by it excepting in so far as the said clauses are expressly varied by this Act or are inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of *The Railway Act* as aforesaid.

1908-9

CHAPTER 22.

An Act to incorporate The Saskatchewan Mortgage Corporation.

[Assented to January 23, 1909.]

WHEREAS the persons hereinafter named have by their ^{Preamble} petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Charles C. Knight, insurance manager, Hugh Armour, ^{Incorporation} meat packer, H. N. Gross, agent, Thomas Wilkinson, insurance manager, J. A. Allan, barrister, A. L. Gordon, barrister, all of the city of Regina together with such other persons as become shareholders in the company are hereby incorporated under the name of "The Saskatchewan Mortgage Corporation" hereinafter called "the company."

2. The persons named in section 1 of this Act shall be the ^{Provisional} provisional directors of the company. ^{directors}

3. The capital stock of the company shall be five hundred ^{Capital} thousand dollars and shall be divided into ten thousand shares ^{stock} of fifty dollars each.

(2) Such capital stock may be issued either in sterling or ^{Currency of} currency or both as the directors determine and if any of ^{issue} such capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two thirds cents per pound sterling.

4. The head office of the company shall be at the city of ^{Head office} Regina or at such other place in Saskatchewan as the directors may from time to time determine by bylaw.

5. At each annual meeting the shareholders of the capital ^{Election of} stock present or represented by proxy who have paid all calls ^{directors} due on their shares shall choose not less than five nor more than ten persons to be directors of the company.

Number
may be
changed

(2) The number of directors may within the limits aforesaid be changed from time to time by vote of the shareholders at any general meeting of the company.

Votes

(3) Every shareholder of the company who has paid all calls due on his shares shall be entitled to one vote for each share held by him.

Qualifica-
tion of
directors

(4) No person shall be a director unless he holds in his own name and for his own use at least five shares of the capital stock of the company and has paid all calls due thereon and all liabilities incurred by him to the company.

Powers as
to loans

6. The company may carry on the business of lending money on the security of or purchasing or investing in:

Mortgages

(a) Mortgages or hypothecs upon freehold or leasehold real estate or other immovables; and

Debentures,
bonds, etc.

(b) The debentures, bonds, fully paid up stocks and other securities of any government or of any municipality, school corporation or of any chartered bank or incorporated company if incorporated by Canada or any province of Canada or any former province now forming part of Canada but not including bills of exchange or promissory notes:

Provided that the loan upon the security of or the purchase or investment in the debentures, bonds, stocks or other securities of any company so incorporated shall not exceed one fifth of the paid up capital of any such company nor one fifth of the paid up capital stock of the company.

Personal
security

(2) The company may take personal security as collateral for any advance made or to be made or contracted to be made by or for any debt due to the company.

Agency
association

7. The company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose and may either in the name of the company or of such others lend and advance money to any person or municipal or other authority or any board or body of trustees or commissioners upon such securities as are mentioned in the next preceding section and may purchase and acquire any securities on which they are authorised to advance money and again resell the same.

Enforce-
ment of
agreements

(2) The conditions and terms of such loans and advances and of such purchases and resales may be enforced by the company for its benefit and for the benefit of the person or corporation for whom such money has been lent and advanced or such purchase and resale made and the company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

(3) The company may also guarantee the repayment of the principal or the payment of the interest or both of any moneys entrusted to the company for investment. Guarantee of moneys

(4) The company may for every or any of the foregoing purposes lay out and employ the capital and property for the time being of the company or any part of the moneys authorised to be raised by the company in addition to its capital for the time being or any moneys so entrusted to it as aforesaid; and may do, assent to and exercise all acts whatsoever which in the opinion of the directors of the company for the time being are requisite or expedient to be done in regard thereto. Employment of capital

(5) All moneys of which the repayment of the principal or payment of the interest is guaranteed by the company shall for the purposes of this Act be deemed to be money borrowed by the company. Money guaranteed to be deemed borrowed

8. The company may liquidate and carry on for the purposes of such liquidation the business of any other company or companies carrying on any business which the company is authorised to carry on upon such terms as may be agreed upon. Liquidation of other companies

9. The company may subject to any limitation or prohibition imposed by its bylaws lend upon its own paid up stock to an amount not exceeding in the aggregate of all such loans ten per cent. of the company's paid up stock but no such loan shall exceed eighty per cent. of the current market value of such stock. Loans upon company's stock

10. The company may also take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, delivered or conveyed to it with its consent upon any trust or trusts whatsoever not contrary to law at any time or times by any person or persons, body or bodies corporate or by any court of the province and may administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed or as may be directed by the court and may also accept and execute the offices of executor and administrator, administrator *de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, receiver or guardian or may perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of any court or judge; and in all cases where applications shall be made to any court in the province having jurisdiction for that purpose or for the appointment of any executor, trustee, receiver, guardian, administrator or administrator *de bonis non* it shall be lawful for any such court to appoint the company subject as hereinafter provided with its consent to hold such office or offices and the accounts of the said company as such executor, administrator, administrator *de bonis non*, trustee, receiver or assignee shall be regularly settled and adjusted by the proper Company may act as trustee, executor, etc.

officers or tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the company for the care and management of the estate committed to it.

(2) The company shall have power to invest all moneys which it may receive or have for investment as executor, administrator or trustee upon such securities and in the manner provided by *The Trustee Ordinance*.

Moneys on deposit

11. The company may borrow money and receive money on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on and may issue its bonds, debentures and other securities for moneys borrowed.

Increase of capital

12. The directors at any time after the whole of the capital stock of the company has been subscribed and fifty per cent. thereof paid up but not sooner may from time to time by bylaw provide for the increase of the capital stock of the company to any amount which they consider requisite.

Bylaws affecting capital to be sanctioned

13. No bylaw for increasing the capital stock of the company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for considering such bylaw:

Provided that such shareholders shall hold not less than one-half of the amount paid up upon the capital stock of the company represented at such meeting:

And provided that such bylaw has afterwards been confirmed by a certificate of the provincial treasurer.

Certificate of provincial treasurer

14. Upon an application to the provincial treasurer for a certificate confirming such bylaw the company shall satisfy him of the *bona fide* character of the increase of capital thereby provided for; and unless it appears that the granting of such certificate would not be in the public interest the provincial treasurer may grant the same:

Provided that with the consent of the directors the amount of such increase of capital may by the said certificate be changed and the increase made subject to such conditions as the provincial treasurer may think proper.

Creation of debenture stock

15. The directors of the company may with the consent of the shareholders at a special general meeting duly called for the purpose create and issue debenture stock in sterling or currency in such amounts and manner on such terms as to redemption or payment thereof and otherwise and bearing such rate of interest as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company

and such debenture stock shall rank equally with the ordinary debenture and deposit debt of the company and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the company.

16. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company wherein shall be set forth the names and addresses of those from time to time entitled thereto with the respective amounts of the said stock to which they are respectively entitled and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company without the payment of any fee or charge; such stock shall be transferable in such amounts and in such manner as the directors may determine.

17. The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

18. The directors having issued debenture stock may from time to time as they think fit and for the interest of the company buy up and cancel the debenture stock or any portion thereof; and the directors may at any time with the consent of those holding not less than one-half in value of the debenture stock of any company whose assets and business may at any time be acquired by the company cancel the debenture stock of such company and give in lieu thereof to the respective holders thereof debenture stock of the company.

19. The directors of the company may make a bylaw for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the bylaw.

(2) The bylaw may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors or may give the said holders such control over the affairs of the company as may be considered expedient.

(3) No such bylaw shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for considering it such shareholders holding not less than one-half of the amount paid up upon the capital stock of the company.

Preference
stock-
holders to
have rights
of
shareholders

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act:

Provided however that in respect of dividends and otherwise they shall as against the ordinary shareholders be entitled to the preferences and rights given by such bylaw.

Rights of
creditors

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Reserve
fund

20. The directors may set aside out of the profits of the company such sum as they think proper as a reserve fund to meet contingencies or for equalising dividends or for repairing, improving and maintaining any part of the property of the company and for such other purposes as the directors shall in their discretion think conducive to the interests of the company and may invest the several sums so set aside upon such investments (other than shares of the company) as they may think fit and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the company and may divide the reserve fund into such special funds as they think fit with full power to employ the assets constituting the reserve fund in the business of the company and that without being bound to keep the same separate from the other assets:

Proviso

Provided always that the investment of the reserve fund shall be subject to the limitations contained in section 6 of this Act.

Business
outside
Saskat-
chewan

21. The company may in general meeting of its shareholders duly called for the purpose pass a bylaw authorising its directors to extend the business of the company outside of Saskatchewan and the directors may give effect to such bylaw without being liable or responsible as for any breach of trust in so doing.

Buildings
for extra
provincial
agencies

(2) If as provided in the next preceding subsection the company carries on business outside of Saskatchewan the company may in general meeting of the shareholders duly called for the purpose pass a bylaw authorising the directors to invest the money of the company in the erection or purchase of buildings required for the occupation of the company in any place where the company is so carrying on business.

Power to
acquire
other
companies

22. The company may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good-will of any other company or companies carrying on any business which the company is authorised to carry on or possessed of property suitable for the purposes of the company and pay therefor in

cash or in stock either fully paid up or partly paid up or partly in cash and partly in stock either fully paid up or partly paid up or in any other manner; and any of the companies whose assets the company desires to purchase are hereby authorised to sell and transfer their respective assets, business, property, name and good-will; and the company and any of such companies may enter into all agreements of purchase and sale and do all other acts necessary or convenient for the purpose of such purchase and sale:

Provided always that specified assets may be excepted ^{Proviso} from any such purchase and sale; the execution of any agreement made in pursuance of the powers hereby granted shall *ipso facto* vest in the company the interest and title in and to the property the subject-matter of the agreement and all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto also all stock, mortgages or other securities, subscriptions and other debts due on whatever account and all other things belonging to such other company as may be party to the agreement shall be taken and deemed to be transferred to and vested in the company without further act or deed.

23. In case any company whose assets are acquired by the company has issued debenture stock and such debenture stock is outstanding at the date of the acquisition aforesaid the directors of the company may if and when they think fit and either with or without the sanction of the shareholders issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid and may with the consent of any holder of debenture stock in such other company give to him in lieu of the debenture stock held by him debenture stock of the company on such terms as may be agreed upon. ^{Debenture stock may be issued in lieu of existing debenture stock}

24. The business of the company shall be managed by the directors who may pay all expenses incurred in promoting and incorporating the company and selling the stock thereof and may affix the seal of the company and may make or cause to be made for the company any description of contract which the company may by law enter into and may exercise all such powers of the company as are not by this Act required to be exercised by the company in general meeting and amongst other things may from time to time exercise the following powers the same being specifically referred to for greater certainty but not so as to restrict the generality of the foregoing terms of this section: ^{Powers of directors}

- (a) Issue debentures, bonds, deposit receipts and stocks ^{Issue debentures, receipts, calls, etc.} and regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of

stock for nonpayment, the disposal of forfeited stock and of the proceeds thereof and the transfer of stock:

- | | |
|---------------------------------------|--|
| Dividends | (b) Declare and pay dividends; |
| Fix number, etc., of directors | (c) Determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any; |
| Delegate powers | (d) Delegate any of their powers to committees consisting of such member or members of their body as they think fit and any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors; |
| Appoint officers | (e) Appoint and remove all agents, officers and servants of the company and provide for and determine their functions and duties, the security to be given by them to the company and their remuneration; |
| Arrange meetings | (f) Determine the time and place for the holding of the annual or any other meeting of the company, the calling of meetings regular and special of the board of directors and of the company, the quorum at meetings of the directors and of the company, the requirements as to votes and proxies and the procedure in all things at such meetings; |
| Fix penalties | (g) Provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw; |
| Conduct of company's affairs | (h) Conduct in all other particulars the affairs of the company; |
| Make bylaws | (i) Make bylaws for the regulation of the business of the company, its officers and servants or the members of the company. |

Company not bound to see to the execution of trusts

25. The company shall not be bound to see to the execution of any trust whether express, implied or constructive to which any share or shares of its stock or debentures or debenture stock or any deposit or any moneys payable by or in the hands of the company may be subject and the receipt of the party or parties in whose name such share or shares, debentures, debenture stock, deposit or moneys stand in the books of the company shall from time to time be sufficient discharge to the company for any payment made in respect of such share or shares, debentures, debenture stock, deposit or moneys notwithstanding any trust to which the same may then be subject and whether or not the company has had notice of such trust and the company shall not be bound to see to the application of the money paid upon such receipt.

26. If the interest of any person in any share in the capital stock or debenture stock or in any bond debenture or obligation of the company (such bond, debenture or obligation not being payable to bearer) is transmitted in consequence of the death or bankruptcy or insolvency of such holder or by any other lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company or to recognise such transmission in any manner until a declaration in writing showing the nature of such transmission and signed and executed by the person claiming by virtue of such transmission and also executed by the former shareholder if living and having power to execute the same shall have been filed with the manager or secretary of the company and approved by the directors and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public or of a judge of a court of record or of a mayor of any city, town or borough or other place or a British consul or vice consul or other accredited representative of the British Government in any foreign country the directors may in the absence of direct actual notice of a contrary claim give full credit to the declaration; and unless the directors are not satisfied with the responsibility of the transferee shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the company.

27. If the transmission takes place by virtue of any testamentary act or instrument or in consequence of an intestacy, the probate of the will or letters of administration or document testamentary or other judicial or official instrument under which the title whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada or in Great Britain or Ireland or any other of his Majesty's dominions or in any foreign country or an authenticated copy thereof or official extract therefrom shall together with the declaration mentioned in section 26 of this Act be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

28. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such shares, bonds, debentures, obligations, dividends or coupons or the

proceeds thereof then and in such case it shall be lawful for the directors to file in the supreme court of Saskatchewan a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties legally entitled thereto; and such court shall have authority to restrain any action, suit or proceedings against the company, the directors and officers thereof for the same subject matter pending the determination of the petition; and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon:

Proviso

Provided always that if the court adjudges that such doubts were reasonable the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds and shall be paid to the company before the directors shall be obliged to transfer or assent to the transfer of or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

Company
subject to
future law
respecting
loan
companies

29. The powers granted under this Act shall be subject to the provisions of any Act respecting loan companies which may at any time hereafter be in force in the province.

CHRONOLOGICAL TABLE

OF

The Consolidated Ordinances 1898, all subsequent Ordinances and the Provincial Statutes for 1906, 1907 and 1908

LIST OF ABBREVIATIONS: am-affecting; am-amending; rep-repealing

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes			
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9
C. O. 1898												
Chap. 1	Interpretation											
2	Legislative Assembly	2, am		2, am	2, am	3, am			2, am	4, rep		
3	Elections	3, am			3, am	4, am	2, am		4, rep		1, rep	
4	Controverted Elections											
5	Public Service			3, am					5, rep			
6	Department of Attorney General								7, rep			
7	Department of Territorial Secretary								8, rep			
8	Department of Agriculture								9, rep			
9	Department of Public Works			4, rep					10, rep			
10	Treasury Department and Auditing			5, am					13, rep	6, rep		
11	Public Printing			6, am					14, rep			
12	Public Inquiries					5, am						
13	Security by Public Officers								12, rep			
14	Vital Statistics		2, am								38, am	
15	Expropriation			4, rep								
16	Coal Mines Regulations		4, am	3, am					15, rep			
17	Steam Boilers Inspection			7, rep								
18	Ferries			4, rep								
19	Public Health				4, rep							
20	Hospitals			8, rep								
21	Judicature	5, am	5, am	10, am	5, am	8, am	6, am			8, rep		
22	Clerks	6, am	6, am	14, am								

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes	
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	
C.O. 1898													
Chap. 23	Sheriffs		7, am						18, rep				
24	Commissioners								17, rep				
25	Notaries Public					10, am					38, am	15, am	
26	Creditors' Relief												
27	Exemptions		16, am										
28	Juries												
29	Alimony												
30	Slander												
31	Limitation of Actions												
32	Justices of the Peace		8, am				7, am						
33	Constables						10, am		19, rep				
34	Distress								20, rep				
35	Arbitration												
36	Investigation of Fires												
37	Tenancy in Common												
38	Religious Societies' Lands												
39	Sales of Goods										38, am		
40	Factors and Agents										38, am		
41	Choses in Action												
42	Preferential Assignments								25, rep				
43	Mortgages and Sales of Personal Property		12, am				12, rep					15, am	
44	Conditional Sales						In part			17, am	38, am	15, am	
45	Partnerships											16, am	
46	Marriages												
47	Married Women's Property												
48	Compensation for Injuries								27, am	18, rep			
49	Insurance for Wife and Children												
50	Masters and Servants												
51	Legal Profession	8, am	14, am	18, am			13, am	3, rep					
52	Medical Profession	15, am	15, am			12, am	14, am	4, am					
53	Dentistry	9, am	16, am		9, am		16, rep		28, rep	10, rep			
54	Chemists and Druggists				7, am				29, rep				

55	Veterinary Surgeons	10, am	17, am	38, am
56	Hotels and Boarding Houses			
57	Livery Sales Stables			
58	Auctioneers, Hawkers and Pedlars			
59	Mechanics' Liens		18, am	26, am 21, rep
60	Threshers' Liens	11, am	19, am	30, am
61	Companies	17, am	20, rep	(3) 38, am 15, am
62	Changing Names of Companies		20, rep	
63	Foreign Companies	18, am	*22, rep	14, rep
	*Disallowed, Can. Gazette, Vol. XXX	V, p. 24 17		
64	Mining Companies	19, am	20, rep	40, rep
65	Dairy Associations			32, am
66	Benevolent Societies			38, am
67	Mechanics' Institutes			
68	Cemeteries	13, am		
69	Agricultural Societies	14, rep		
		15, am	23, am 9, am 18, am	22, am 6, am 33, am
70	Municipalities		19, am	17, rep
71	Assessment of Railways	16, am 25, rep		
72	Villages	17, am	27, rep	
73	Local Improvement	18, am	28, am	25, am
74	Irrigation Districts		26, am 29, rep	
75	Schools	19, rep	22, rep	
76	Marking and Inspection of Stock	in part		
77	Fences	21, am 27, am	28, rep	
78	Stallions and Bulls	28, am		
79	Pound Districts	20, am		10, am
80	Stray Animals	30, am		38, am
81	Herdling of Animals			
82	Protection of Sheep			
83	Injury of Stock by Railway Trains			
84	Noxious Weeds	22, rep		
85	Protection of Game	23, am	32, am 10, am	29, rep
86	Pollution of Streams			
87	Prairie and Forest Fires		30, am 13, am	
88	Chimneys		25, am	
89	Sale of Intoxicating Liquor	32, am 33, am	14, am	31, am 28, am
90	Insane Persons	24, am		
91	Profanation of Lord's Day			
92	Use of Tobacco by Minors			
93	General Trust Corporation of Canada			

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes			
1899		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9
Chap. 1	Appropriation											
2	Legislative Assembly											
3	Elections											
4	Coal Mines Regulations		3, am								3, rep	
5	Judicature											
6	Clerks											
7	Partnership											
8	Legal Profession							4, am				
9	Dentistry											
10	Veterinary Surgeons											
11	Threshers' Liens											
12	Companies Winding up			20, rep								
13	Agricultural Societies	14, rep										
14	Agricultural Societies		21, am			17, rep						
15	Municipalities											
16	Villages		25, rep								17, rep	
17	Local Improvement			26, am 27, rep								
18	Irrigation Districts											
19	Inspection of Stock											
20	Horse Breeders					23, rep			41, am		38, am	
21	Fences											
22	Noxious Weeds					24, rep	28, rep					
23	Protection of Game		31, am				20, rep					
24	Insane Persons											
25	Calgary General Hospital											
26	City of Calgary					27, am						
27	Indian Head		38, am									
28	Town of Strathcona											
29	Edmonton Club					32, am						
30	Quarrying Act											
31	Peace River Gold Dredging Company											

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes	
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1900													
Chap. 42	Regina Victoria Hospital												
43	Edmonton Public Hospital				24, am								
44	Prince Albert Victoria Hospital												
45	Medicine Hat General Hospital												
1901													
Chap. 1	Appropriation												
2	Interpretation												
3	Public Service												
4	Public Works					6, rep ss 31-46		2, am					
5	Public Printing												
6	Public Printing												
7	Steam Boilers						4, am						
8	Hospitals								16, am				
9	Hail Insurance					7, rep							
10	Judicature												
11	Decision on Constitutional Questions												
12	Confirmation of Tax Sales					9, am					38, am		
13	Devolution of Estates												
14	Clerks												
15	Official Auditors												
16	Exemptions												
17	Marriages												
18	Legal Profession												
19	Threshers' Liens												
20	Companies												
21	Water, Gas, Electric and Telephone Companies								31, am	32, am			
22	Foreign Companies				88, am								
23	*Disallowed, Can. Gazette, Vol. XXX												
24	Municipalities					10, am	22, am						
25	Exemption of Beet Sugar Factories					20, am	23, am	7, am	26, rep				
26	Villages												
27	Local Improvement												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes	
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	
1903 (Sess. 1) Chap. 1	1 Appropriation (Interim)												
2	Appropriation												
3	Interpretation												
4	Legislative Assembly						2, am						
5	Public Inquiries												
6	Drainage												
7	Hail Insurance											12, rep	
8	Judicature												
9	Confirmation of Tax Sales												
10	Notaries Public												
11	Marriages												
12	Medical Profession												
13	Companies Winding up										38, am		
14	Foreign Companies						19, am						
15	Trust Companies												
16	Fire Insurance Policy						20, am				38, am		
17	Agricultural Societies								38, rep				
18	Municipalities											17, rep	
19	Municipalities						22, aft				17, rep		
20	Villages						23, am		35, rep				
21	School Assessment												
22	Brands												
23	Horse Breeders												
24	Noxious Weeds												
25	Prairie Fires												
26	Sale of Intoxicating Liquor												
27	City of Calgary												
28	City of Regina						30, aft						
29	Town of Moosomin							11, am	43, rep			13, am	
30	Town of Lethbridge												
31	Town of Yorkton								46, rep				
32	Town of Strathcona												
33	Moose Jaw Municipal Works												
34	Regina Victoria Hospital												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9
1903 (Sess. 2) Chap. 32	Town of Edmonton											
33	Town of Raymond											
34	City of Moose Jaw							15, am	49, am			
35	Cypress Club											
1904 (Chap. 1	1 Appropriation											
2	2 Public Works											
3	3 Masters and Servants											
4	4 Legal Profession									32, am		15, am
5	5 Dentistry											
6	6 Municipalities											
7	7 Villages											
8	8 Local Improvement											
9	9 Schools								36, rep			
10	10 School Grants											
11	11 Noxious Weeds											
12	12 Game											
13	13 Prairie Fires											
14	14 Sale of Intoxicating Liquors											
15	15 City of Moose Jaw (area)											
16	16 City of Moose Jaw (bylaws)								49, am			
17	17 City of Regina											
18	18 Town of Medicine Hat											
19	19 City of Edmonton											
20	20 City of Prince Albert											
21	21 Town of Strathcona											
22	22 Maple Creek General Hospital											
23	23 Lady Minto Hospital, Indian Head											
24	24 Western Canada College								52, am			
25	25 Alberta College											
26	26 Alberta Club											
27	27 Indian Head Club											
28	28 The English Club											

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing						Provincial Statutes				
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9
1906 Chap. 32	Mechanics' and Literary Institutes											
33	Municipalities										17, rep	
34	Municipal Public Works										38, am	
35	Villages										18, rep	
36	Local Improvements									32, am	13, am	7, am
37	Public Libraries										35, am	
38	Agricultural Societies									23, am	38, am	15, am
39	Manufacture of Butter and Cheese											
40	Dairymen's Ordinance											
41	Inspection of Stock											
42	Brands											
43	Noxious Weeds											
44	Motor Vehicles											13, am
45	Consolidation of Ordinances and Acts											
46	Regina Charter									36, am		
47	Saskatoon Charter											
48	Town of Caron											
49	City of Moose Jaw											
50	City of Moose Jaw											
51	Town of Indian Head											
52	Indian Head Hospital											
53	Baptist Convention											
54	Finnish Lutheran Church											
55	Saskatchewan Insurance Co.											
56	Northern Development Co.											
57	Moose Jaw & Suburban Ry. Co.											
58	Saskatchewan & Alberta Ry. Co.											
59	Regina & Saskatchewan Ry. Co.											
60	Canadian Central Ry. Co.											
61	Saskatchewan Central Ry. Co.											19, am
62	Moose Jaw Club											
63	Prince Albert Outing Club											
64	Elks Club of Regina											

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes			
		1890	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9
1907 Chap. 41	Regina Exhibition											
42	Commercial Trust											
43	Methodist Church											
44	Saskatchewan Central Ry. Co.											
45	Elks Club of Moose Jaw											
46	Saskatoon Club											
47	Elks Club of Saskatoon										60, am	
48	Saskatchewan Club											
49	Yorkton Club											
1908 Chap. 1	Appropriation											
2	Elections											15, am
3	Athabasca Election											
4	Legislative Assembly											
5	Railway and Telephone Department											
6	Municipal Telephone											
7	Rural Telephone											
8	Seed Grain											
9	Supplementary Revenue											
10	Stray Animals											
11	Steam Boilers											15, am
12	Public Works											
13	Local Improvements											7, am
14	Liquor License											14, am
15	Municipal Commissioner											
16	City											15, am
17	Town											15, am
18	Village											15, am
19	Free Text Book											
20	Secondary Education											
21	Woodmen's Lien											
22	Marriage											
23	Surrogate Courts											

24	Succession Duty	
25	Bills of Sale	
26	Assignments	
27	Public Printing	
28	Liquor License	14, am
29	Land Titles	9, am
30	Threshers' Liens	
31	Children's Protection	15, am
32	Railway Taxation	5, am
33	Quebec Battlefields	
34	Controverted Municipal Elections	
35	Public Libraries	
36	Legal Profession	
37	Revised Statutes, 1906	15, am
38	Statute Law Amendment	15, am
39	City of Regina	
40	City of Moose Jaw	
41	City of Saskatoon	
42	City of Prince Albert	
43	Moose Jaw Debentures	
44	Saskatoon Bylaws	
45	Battleford Bylaws	
46	Moose Jaw Expropriation	
47	Town of Milestone	
48	Town of Weyburn	
49	Town of Watson	
50	Hudson Bay Insurance Co.	
51	Saskatchewan Guarantee and Fidelity Company	
52	National Fire Assurance Co.	
53	Canada National Insurance Company	
54	Saskatchewan Grain Growers' Assoc.	
55	Chartered Accountants' Institute	15, am
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57	Regina Victoria Hospital	
58	W. O. Tessier, respecting	
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60	Elks Club of Saskatoon	

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Acts of the Province of Saskatchewan

First Session—Second Legislature
8-9 Edward VII, 1909

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Pickson

STATUTES

OF THE

PROVINCE OF SASKATCHEWAN

PASSED IN THE SESSION OF THE LEGISLATIVE ASSEMBLY HELD
IN THE NINTH YEAR OF THE REIGN OF HIS MAJESTY
KING EDWARD THE SEVENTH

BEING THE

SECOND SESSION OF THE SECOND LEGISLATURE

BEGUN AND HOLDEN AT REGINA ON THE EIGHTEENTH DAY OF NOVEMBER, AND
CLOSED BY PROROGATION ON THE EIGHTEENTH DAY OF DECEMBER

1909



HIS HONOUR AMÉDÉE EMMANUEL FORGET

LIEUTENANT GOVERNOR

REGINA

JOHN A. REID, Government Printer
1909

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9 EDWARD VII, 1909

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55. An Act to incorporate Les Filles de la Providence.
56. An Act respecting The Salvation Army.

1909

CHAPTER 1

An Act for granting to His Majesty certain Sums of Money for the Public Service of the Fiscal Years ending, respectively, the twenty-eighth day of February, 1910, and the twenty-eighth day of February, 1911.

[Assented to December 18, 1909.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from His Honour Amédée Emmanuel Forget, Lieutenant Governor of Saskatchewan, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Saskatchewan not otherwise provided for during the fiscal years ending respectively the twenty-eighth day of February one thousand nine hundred and ten and the twenty-eighth day of February one thousand nine hundred and eleven and for other purposes relating thereto: May it therefore please your Majesty that it may be enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan as follows:

1. This Act may be cited as "*The Appropriation Act* Short title 1909."

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole six hundred and sixty-seven thousand six hundred and forty-seven dollars and sixty-two cents towards defraying the several charges and expenses of the public service from the first day of March in the year of our Lord one thousand nine hundred and nine to the twenty-eighth day of February in the year of our Lord one thousand nine hundred and ten not otherwise provided for and set forth in schedule A to this Act. \$667,647.62 granted for 1909-10

3. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole five millions and four thousand seven hundred and eight dollars and fifty cents towards defraying the several charges and expenses of the public service from the first day of March in the year of our Lord one thousand nine hundred and ten to the twenty-eighth day of February in the year of our Lord one thousand nine hundred and eleven not otherwise provided for and set forth in schedule B to this Act. \$5,004,708.50 granted for 1910-11

When
salaries
take effect

4. Where moneys are granted by this Act for the payment of the salary of an office or clerkship in the inside or outside division of the public service for the fiscal year ending the twenty-eighth day of February one thousand nine hundred and eleven and there is nothing to the contrary in the Order in Council or other instrument appointing or promoting any person to such office or clerkship the appointment or promotion shall take effect from the first day of March one thousand nine hundred and ten.

Applica-
tion to be
accounted
for

5. The application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

SUMS granted to his Majesty by this Act for the fiscal year ending February 28, 1910, and the purposes for which they are granted:

PUBLIC DEBT.	\$	c.	\$	c.
To defraying interest and incidental charges on treasury bills maturing January 5, 1910....			19,500	00
CIVIL GOVERNMENT.				
Provincial secretary's department	600	00		
Treasury department.....	1,000	00		
Education department	3,000	00		
Municipal department	6,000	00		
			10,600	00
ADMINISTRATION OF JUSTICE.				
Supreme, district and surrogate courts	5,500	00		
Criminal investigations	12,000	00		
Registration of land titles.....	20,000	00		
Miscellaneous justice	5,400	00		
			42,900	00
PUBLIC WORKS (<i>Chargeable to Income</i>).				
Public buildings (salaries and maintenance and repairs).....			7,800	00
AGRICULTURE AND STATISTICS.				
Assistance to dairy and poultry industry	20,000	00		

1909

APPROPRIATION

Cap. 1

3

Weed inspection, game preservation and destruction of noxious animals	6,639 52	26,639 52
TELEPHONES (<i>Chargeable to Income</i>).		
Maintenance and operation of long distance lines and exchanges...		28,000 00
TELEPHONES (<i>Chargeable to Capital</i>).		
Purchase of telephone properties and extension of buildings.....		522,208 10
MISCELLANEOUS.		
To defray miscellaneous expenditure	10,000 00	
	<u>\$667,647 62</u>	

SCHEDULE B.

SUMS granted to his Majesty by this Act for the fiscal year ending February 28, 1911, and the purposes for which they are granted:

PUBLIC DEBT.	\$	c.	\$	c.
To defray expenses of the public debt			131,200	00
CIVIL GOVERNMENT.				
Lieutenant Governor's office	1,422	50		
Executive Council	42,860	00		
Attorney general's department....	24,840	00		
Provincial secretary's department	4,060	00		
Treasury department	30,500	00		
Public works department.....	47,000	00		
Agriculture department	23,250	00		
Education department	21,830	00		
Railways, telegraphs and telephones department	1,880	00		
Municipal department	39,440	00		
			<u>237,082</u>	50

LEGISLATION.	\$	c.	\$	c.
To defray expenses of legislation.			55,485	00
ADMINISTRATION OF JUSTICE.				
Supreme, district and surrogate courts	49,600	00		
Police magistrates' courts.....	2,000	00		
Criminal investigations	34,600	00		
Gaols	24,920	00		
Police, prisoners and insane.....	193,500	00		
Registration of land titles.....	108,630	00		
Administration of liquor license Act	24,250	00		
Miscellaneous justice	20,000	00		
			457,500	00
PUBLIC WORKS (<i>Chargeable to Income</i>).				
Public buildings (salaries and maintenance and repairs).....	83,537	67		
Public improvements, surveys, etc.	465,000	00		
Miscellaneous services	28,200	00		
			576,737	67
PUBLIC WORKS (<i>Chargeable to Capital</i>).				
Public buildings (construction) ..	1,355,253	33		
Public improvements	147,000	00		
Miscellaneous services	100,000	00		
			1,602,253	33
EDUCATION.				
To defray expenses of education.			743,600	00
AGRICULTURE AND STATISTICS.				
Assistance to agricultural interests generally	66,070	00		
Assistance to dairy and poultry industry	132,200	00		
Publicity and statistical work....	15,600	00		
Bacteriological laboratory	6,280	00		
Miscellaneous services	12,200	00		
			232,350	00
BUREAU OF PUBLIC HEALTH.				
To defray expenses of public health, hospitals and charities..			73,500	00

1909	APPROPRIATION	Cap. 1	5
	TELEPHONES (<i>Chargeable to Income</i>).	\$ c.	\$ c.
	To provide for maintenance and operation of the provincial telephone system	120,000 00	
	TELEPHONES (<i>Chargeable to Capital</i>).		
	To provide for extension of the provincial telephone system and for assistance to rural telephone companies	660,000 00	
	MISCELLANEOUS.		
	To defray miscellaneous expenditure	115,000 00	
		<u>\$5,004,708 50</u>	

1909

CHAPTER 2

An Act respecting the Raising of Loans authorised by the Legislature.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

- Short title** 1. This Act may be cited as "*The Saskatchewan Loans Act.*"
- Lieutenant Governor in Council may create a permanent provincial stock** 2. The Lieutenant Governor in Council may create a permanent provincial stock which shall be known as "Saskatchewan government stock" and shall be personal property; and the stock and the interest thereon shall be charged upon and paid out of the general revenue fund.
- Regulations by Order in Council** (2) The stock shall be subject to such regulations as to the inscription, registration, transfer, management and redemption thereof as the Lieutenant Governor in Council may make.
- Stock not to be paid off for 30 years** (3) The stock shall not be redeemable in less than thirty years from the date of issue but may be redeemed at or after that date at the option of the Lieutenant Governor in Council provided six months' previous notice has been given; and the
- Notice of redemption** Lieutenant Governor in Council may at the time of the issue of such stock fix the date at which it shall be redeemed.
- How given** (4) The notice may be given by registered letter addressed to the registered holder of the stock at his address as it appears on the register.
- Lieutenant Governor in Council may make regulations as to the debt and payment of interest** 3. The Lieutenant Governor in Council may make such regulations as he deems necessary for the management of the public debt and the payment of the interest thereon; and may subject to the provisions of the next following section provide for the creation and management of a sinking fund or other means of securing the repayment of any loan raised by the authority of the Legislature; and may appoint one or more
- Fiscal agents, etc.** fiscal agents in the city of London in England or elsewhere and agree with them as to the rate of compensation to be allowed them for negotiating loans and for paying the interest of the debt; and may pay the sums necessary to provide the sinking fund or other means aforesaid and such compensation out of the general revenue fund.

4. Where in any Act authority is given to the Lieutenant Governor in Council to raise or authorise the raising by way of loan any sum of money or to order the issue of bonds or debentures or other security of the province or authority is given the Lieutenant Governor in Council or the provincial treasurer to guarantee on behalf of the province the payment of the interest or principal of any loan, bonds, debentures or other security, then (unless there is some provision to the contrary in the Act by which the authority is given) such sum may in the discretion of the Lieutenant Governor in Council be raised in one of the following ways or partly in one and partly in another or others thereof, that is to say:

How loans,
etc.,
authorised
by
Legislature
may be
raised

1. By the issue and sale of bonds or debentures of the province of Saskatchewan which shall be in such form, for such separate sums and at such rate of interest not exceeding six per centum per annum as the Lieutenant Governor in Council deems expedient subject to such regulations (including regulations as to inscription, registration and transfer) as he may make; the principal and interest whereof shall be made payable at such periods and places as he may approve; and such principal and interest shall be charged upon and paid out of the general revenue fund;

By issue of
bonds or
debentures

2. By the issue and sale of Saskatchewan government stock bearing such rate of interest not exceeding six per centum per annum as is deemed expedient payable half yearly; and the principal and interest whereof shall be charged upon and paid out of the general revenue fund;

By issue of
Saskat-
chewan
government
stock

3. By temporary loans or by the issue and sale of treasury bills in sums of not less than four hundred dollars each in such form and payable at such periods and places as the Lieutenant Governor in Council deems expedient and subject to such regulations as he may make; and the interest thereon and the amount of such bills or temporary loans shall be charged upon and paid out of the general revenue fund.

By
temporary
loans or
issue of
treasury
bills

(2) On authorising the issue of bonds, debentures or stock under paragraphs 1 or 2 of subsection (1) hereof the Lieutenant Governor in Council may provide for a special sinking fund with respect to such issue and may at any time provide for a general sinking fund for all such portions of bonds, debentures or stock as have been or are hereafter issued without provision for a sinking fund with respect to them.

Lieutenant
Governor
in Council
may provide
for a
sinking
fund,
special or
general

(3) Any of such securities may be made payable in any currency.

Securities
payable in
any
currency

5. The Lieutenant Governor in Council may direct that the whole or any part of Saskatchewan government stock be inscribed and transferred in a register kept in the United Kingdom or in any foreign country at such place and by such bank, officer or person as he may appoint.

Inscription
and
transfer of
stock
abroad

Record of
stock
under
Colonial
Stock
Acts

6. The Lieutenant Governor may under the great seal or in Council authorise any person to make any declaration and take any steps necessary to record such inscribed stock or any portion thereof under and in accordance with the provisions of the Imperial Acts known as *The Colonial Stock Acts of 1877 to 1900* or any amendments thereof.

On behalf
of registrar
treasurer
to make
payments
ordered
under
Colonial
Stock Acts

(2) The treasurer of Saskatchewan may out of the general revenue fund pay, satisfy and discharge any judgment, decree, rule or order of a court in the United Kingdom which under the provisions of section 20 of *The Colonial Stock Act 1877* or any amendment thereto is to be complied with by the registrar of the inscribed stock of Saskatchewan in England or Saskatchewan government stock.

Lieutenant
Governor
in Council
may change
the form of
debt, and
on what
conditions

7. The Lieutenant Governor in Council may change the form of any part of the debt of Saskatchewan by substituting one class of the securities aforesaid for another provided that neither the capital of the debt nor the annual charge for interest is thereby increased except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities; but such substitution shall not be made unless the consent of the holder for which another is substituted is obtained or such security is previously purchased or redeemed by or on account of Saskatchewan; and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it.

Certain
regulations
by
Lieutenant
Governor
in Council
to have
force of law
Officers not
bound to see
to trusts

8. The regulations made by the Lieutenant Governor in Council under this Act shall in so far as they are not inconsistent with this Act have the same force and effect as if embodied and enacted in an Act of the Legislature.

(2) No officer or person employed in the inscription, registration, transfer, management or redemption of any of the aforesaid securities or in payment of any dividend or interest thereon shall be bound to see to the execution of any trust expressed or implied to which such securities are subject or shall be liable in any way to any person for anything by him done in accordance with such regulation.

Money to
form part
general
revenue
fund

9. All money raised by the issue and sale of any of the aforesaid securities shall be paid to the provincial treasurer and shall form part of the general revenue fund.

Certain
securities
free from
provincial,
municipal
and school
taxation

10. All bonds, debentures and stock issued under the authority of this Act and the interest thereon shall be free from all provincial taxes, succession duty, charges and impositions;

and all moneys invested in Saskatchewan government bonds, debentures and stock and the interest thereon shall be exempt from municipal and school taxation in this province.

11. Nothing in this Act shall authorise any increase in the public debt without the express authority of the Legislature except in the manner and to the extent mentioned in section 7 hereof.

Debt not to be increased except as herein provided

12. Nothing in this Act shall impair or prejudicially affect the rights of the holders of any securities heretofore issued.

Securities heretofore issued protected

13. This Act shall apply to all loans heretofore or hereafter authorised under any Act of the Legislature.

Act to apply to all loans

14. The Lieutenant Governor in Council may do or cause to be done all things which may be required by any stock exchange in reference to the securities referred to in this Act and to their issue in connection with any quotation or listing of such securities upon such stock exchange.

Lieutenant Governor in Council may take steps to have securities listed on any stock exchange

1909

CHAPTER 3

An Act for Raising Money on the Credit of the
General Revenue Fund of Saskatchewan.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

Power
to raise
loan of
\$5,000,000

1. It shall be lawful for the Lieutenant Governor in Council to authorise the provincial treasurer to raise by way of loan upon the credit of the province such sum or sums of money not to exceed in the whole five million dollars for all or any of the following purposes as may be approved by the Legislature namely to provide for the cost of:

- (a) Public buildings and permanent improvements;
- (b) Purchase of grounds and erection, furnishing and equipment of buildings for the University of Saskatchewan;
- (c) Constructing and extending telephone systems within the province;
- (d) The purchase of drainage district debentures issued under the provisions of *The Drainage Act*.

Term and
rate of
loan

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum and shall be raised upon the credit of the general revenue fund of Saskatchewan and shall be chargeable thereupon.

Bonds and
stock for
loan to be
free of
provincial
taxes

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all provincial taxes, succession duty, charges and impositions whatsoever.

Moneys
to be
raised
as provided
by The
Saskat-
chewan
Loans Act

4. The sums of money hereby authorised to be raised by way of loan shall be raised as provided by *The Saskatchewan Loans Act* passed during the present session of the Legislature; and the sums raised under the authority of this Act shall form part of the general revenue fund of Saskatchewan.

1909

CHAPTER 4

An Act to authorise The Guarantee of certain Securities of the Canadian Northern Railway Company.

[Assented to December 18, 1909.]

WHEREAS the Saskatchewan Midland Railway Company Preamble incorporated at the present session of this Legislature and hereinafter called the "local company" is authorised to construct the lines of railway mentioned in the first part of the schedule hereto and is also authorised to amalgamate with the Canadian Northern Railway Company hereinafter called the "Canadian Northern" or "the company;" and

Whereas the Canadian Northern is authorised to construct the lines of railway mentioned in the second part of this schedule; and

Whereas it is expedient to authorise the guarantee by the government of certain securities to be secured upon the lines mentioned in the said schedule and to be issued by the Canadian Northern:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The Lieutenant Governor in Council is hereby authorised on such terms and conditions not inconsistent with the provisions of this Act as may be agreed on with the Canadian Northern to guarantee payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called "securities") of the Canadian Northern to the extent and upon the terms hereinafter set forth. Guarantee authorised

2. The amount of securities to be so guaranteed shall not exceed the sums represented by \$13,000 per mile of the respective lines of railway mentioned in the schedule hereto; the certificate of the minister of railways, telegraphs and telephones as to the mileage of the said respective lines shall for the purpose of this Act and of the guaranteed securities be conclusive; the said securities may be in whole or in part payable in lawful money of Canada or in its equivalent in sterling or other money; the rate of interest thereon shall be at the rate of four per cent. per annum payable half yearly and the principal shall be payable in thirty years from the passing of this Act. Amount of securities per mile

Securities
to be
secured by
mortgage

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council and such deed or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein and in respect to the mileage of which the securities secured thereby are issued and the rolling stock and equipment present and future acquired for the purposes of the said line or lines, the tolls, revenues and incomes of the company arising and to arise from the said line or lines and the rights, privileges, franchises and powers of the company now or hereafter held by the company in respect to the said line or lines and the operation and maintenance thereof:

Proviso

Provided always that no securities shall be guaranteed with respect to the mileage of any line mentioned in the first part of the schedule hereto until the Canadian Northern becomes authorised by amalgamation with the local company or otherwise to construct such line.

Approval
of the
Lieutenant
Governor
in Council

4. The kind of securities to be guaranteed and the form and terms thereof and the form and terms of the deed of trust securing them and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon by sale, pledge or otherwise pending the expenditure of such moneys for the purposes of the said lines of railway respectively and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council may approve

Execution
of
guarantee

5. The said guarantee shall be signed by the provincial treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the province of Saskatchewan shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof; and the Lieutenant Governor in Council is hereby authorised to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee and to advance the amount necessary for that purpose out of the general revenues of the province and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee so signed shall be conclusive evidence that the provisions of this Act with respect thereto have been complied with.

Time for
commence-
ment and
completion

6. Not less than one hundred and seventy-five miles of the lines specified in the schedule hereto shall be completed on or before the thirty-first day of December, 1910, and the remainder of the said lines shall be completed on or before the thirty-first day of December, 1912, and the said lines shall thereafter be operated by the Canadian Northern which shall maintain and furnish such equipment therefor as will reasonably provide for the requirements of the freight and passenger traffic thereon.

7. The said lines shall be constructed to a general standard ^{Standard of construction} not inferior to the standard of the main line of the Canadian Northern railway between the city of Winnipeg in the province of Manitoba and the city of Edmonton in the province of Alberta and to the satisfaction of the minister of railways, telegraphs and telephones of the said province; before the construction of any line is commenced the general route thereof shall be approved by the Lieutenant Governor in Council.

8. Any payment by the province of principal or interest on the said securities pursuant to the guarantee thereof shall not in any event be taken to affect the liability of the company ^{Payment by Saskatchewan not to release company from liability} therefor under the securities so paid or under the deed of trust securing the payment thereof but such liability shall remain unimpaired and enforceable by the province against the company; the province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities or of the said deed of trust prior to payment by the province under its guarantee and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

9. Subject to the proviso in this section contained the deeds of trust (herein called "the original instruments") securing ^{Provision for issue of additional securities} the securities hereby authorised to be guaranteed may provide for the issue from time to time and the ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule hereto and also of additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid not exceeding \$15,000 per mile of additional lines of railway in the province of Saskatchewan to be hereinafter constructed by the company:

Provided always that before such additional securities are ^{Proviso} issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorised by the Legislature and that such guarantee shall have been given pursuant to such authorisation.

10. Supplementary deeds of trust (hereinafter called "supplementary instruments") covering the said additional lines ^{Supplementary instruments} and in form approved by the Lieutenant Governor in Council shall be taken to the trustees of the original instruments and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which together with the mortgaged premises covered thereby shall form the security for all the securities issued thereunder in the

same manner and with the same effect as if the original instrument and supplementary instrument formed but one instrument and as if all the securities issued and to be issued under the original or supplementary instrument were issued under the one instrument.

Disposition
of moneys
realised
from
securities

11. All moneys realised by sale, pledge or otherwise of the securities hereby secured shall be paid directly by the purchaser, subscriber, pledgee or lender into the Canadian Bank of Commerce or the Bank of Scotland or such other bank or banks as the government may approve to the credit of a special account in the name of the provincial treasurer or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof which money shall be paid in as aforesaid the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or reissued and shall be secured by the said deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge; the balances at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company and the bank holding the same and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed or to be fixed by contract between the government and the company; and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as the chief engineer of the department of public works for Saskatchewan or such other officer as the government may appoint shall certify as justified having regard to the proportion of work done upon the said respective lines of railway as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line; the balance, if any, of the proceeds of such securities at the rate of \$13,000 per mile of the said lines respectively treated as separate lines which may remain after the completion of the said respective lines of railway shall be paid over to the company or its nominees; pending completion of the said respective lines the balance at the credit of such special accounts shall until paid out as above provided for be deemed part of the mortgaged premises under the said deed of trust and shall not be taken to be public moneys received by the province.

12. If on the completion of any line or lines of railway mentioned in the schedule hereto it is ascertained that the mileage of any such line or lines or the aggregate mileage of all the said lines is less than the mileage estimated in the said schedule it shall be lawful for the Lieutenant Governor in Council to authorise the use by the company of any balance of the money realised by sale, pledge or otherwise of the said securities remaining unexpended in the construction of any extension or extensions of any such line or lines to complete the distance of any such line or the aggregate distance of the lines mentioned in the said schedule and in case the Lieutenant Governor authorises any such expenditure such extensions shall for the purposes of the securities hereinbefore provided for be deemed to be part of the line or lines to which the extension is made and as such included in and covered by the mortgage herein provided for and such unexpended balance shall be paid out to the company or its nominee as provided in section 11 hereof.

Provision
for use of
unexpended
balance of
money
realised on
securities

SCHEDULE.

FIRST PART.

1. A line from Regina running south-easterly to a point on the international boundary between the eastern limit of range 32 west of the principal meridian and the western limit of range 8 west of the second meridian, a distance of about 155 miles.

2. A line from a point on the western division of the Grand Trunk Pacific railway within ranges 26, 27 or 28 west of the second meridian northerly to the city of Prince Albert, a distance of about 110 miles.

SECOND PART.

3. A line from a point on the company's authorised line at or near the city of Regina running in a generally westerly direction to the city of Moose Jaw and thence north-westerly to join with the line described in paragraph 4 hereof, a distance of about 110 miles to the south branch of the South Saskatchewan river.

4. A line from a point on the western division of the Grand Trunk Pacific railway between the eastern limit of range 11 and the western limit of range 16 west of the third meridian running in a south-westerly and westerly direction, a distance of 50 miles.

5. A line from a point on the line described in paragraph 2 of the schedule to chapter 4 of the Statutes of 1908-9 within or near townships 41, 42 or 43 running in a generally westerly and north-westerly direction, a distance of 50 miles.

✓
1909

CHAPTER 6

An Act to amend The Supplementary Revenue Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1907, c. 3,
s. 3
amended

Crown
lands
leased for
grazing
purposes

1. Section 3 of *The Supplementary Revenue Act* is hereby amended by adding thereto the following as subsection (2):

“(2) In the case of all crown lands held under lease for grazing purposes from the government of Canada the amount of the rate to be levied annually on such lands shall be one-half cent per acre.”

S. 6,
amended

2. Section 6 of the said Act is amended by adding thereto the following provisos:

“Provided that in case any crown lands which were held under lease for grazing purposes from the government of Canada during the years 1907, 1908 and 1909 were not assessed for the said years as provided by the said Act they shall be deemed to have been assessed and it shall be the duty of the proper officer of the local improvement district or rural municipality, as the case may be, to include in his assessment roll for the year 1910 particulars of all such lands as required by this section:

“Provided further that in determining the amount of taxes to be due and in arrears on such grazing lands for the years 1907, 1908 and 1909 the rate to be levied shall be one-half cent per acre: and

“Provided further that in the case of all such lands held under lease for grazing purposes as hereinbefore provided upon which a rate of one cent per acre has been levied and paid or partially paid credit shall be given for all sums so paid which are in excess of the amounts herein provided and the several amounts of all such credits shall be deducted from time to time from the amount of the taxes levied hereunder until a balance is reached and thereafter the taxes to be levied and collected shall be as herein set forth.”

1909

CHAPTER 7

An Act to amend The Executive Council Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Section 3 of *The Executive Council Act* as amended by ^{1906, c. 3,} section 17 of chapter 38 of the Statutes of 1908 is amended ^{S. 3, amended} by striking out the words "commissioner of education, commissioner of public works, commissioner of agriculture, commissioner of railways, telegraphs and telephones and municipal commissioner" where the same occur therein or in any order or regulation made thereunder and substituting therefor the words "minister of education, minister of public works, minister of agriculture, minister of railways, telegraphs and telephones, and minister of municipal affairs."

2. The words "minister of education" and the word "minister" are substituted for the words "commissioner of education" and "commissioner" respectively wherever the same occur in any Act or in any order or regulation made thereunder referring to the commissioner of education; and the words "deputy minister of education" and "deputy minister" are substituted for the words "deputy commissioner of education" and "deputy commissioner" respectively wherever the same occur in any such Act or in any order or regulation made thereunder referring to the deputy commissioner of education.

3. The words "minister of public works" and the word "minister" are substituted for the words "commissioner of public works" and "commissioner" respectively wherever the same occur in any Act or in any order or regulation made thereunder referring to the commissioner of public works; and the words "deputy minister of public works" and "deputy minister" are substituted for the words "deputy commissioner of public works" and "deputy commissioner" respectively wherever the same occur in any such Act or in any order or regulation made thereunder referring to the deputy commissioner of public works.

"Minister of agriculture" substituted for "commissioner of agriculture" in Acts of Legislature

4. The words "minister of agriculture" and the word "minister" are substituted for the words "commissioner of agriculture" and "commissioner" respectively wherever the same occur in any Act or in any order or regulation made thereunder referring to the commissioner of agriculture; and the words "deputy minister of agriculture" and "deputy minister" are substituted for the words "deputy commissioner of agriculture" and "deputy commissioner" respectively wherever the same occur in any such Act or in any order or regulation made thereunder referring to the deputy commissioner of agriculture.

"Minister of railways, telegraphs, and telephones" substituted for "commissioner of railways, telegraphs and telephones" in Acts of Legislature

5. The words "minister of railways, telegraphs and telephones" and the word "minister" are substituted for the words "commissioner of railways, telegraphs and telephones" and "commissioner" respectively wherever the same occur in any Act or in any order or regulation made thereunder referring to the commissioner of railways, telegraphs and telephones; and the words "deputy minister of railways, telegraphs and telephones" and "deputy minister" are substituted for the words "deputy commissioner of railways, telegraphs and telephones" and "deputy commissioner" respectively wherever the same occur in any such Act or in any order or regulation made thereunder referring to the deputy commissioner of railways, telegraphs and telephones.

"Minister of municipal affairs" substituted for "municipal commissioner" in Acts of Legislature

6. The words "minister of municipal affairs" and the word "minister" are substituted for the words "municipal commissioner" and "commissioner" respectively wherever the same occur in any Act or in any order or regulation made thereunder referring to the municipal commissioner; and the words "deputy minister of municipal affairs" and "deputy minister" are substituted for the words "deputy municipal commissioner" and "deputy commissioner" respectively wherever the same occur in any such Act or in any order or regulation made thereunder referring to the deputy municipal commissioner.

1909

CHAPTER 8

An Act respecting the Public Health.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Public Health Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the expression:

1. "Council of public health" means the council of public health constituted under the provisions of this Act; Interpre-
tation
"Council of
public
health"

2. "Minister" means the member of the Executive Council to whom for the time being is assigned the supervision of the administration of this Act; "Minister"

3. "Commissioner" means the commissioner of public health appointed under the provisions of this Act; "Commis-
sioner"

4. "Bureau" means the bureau of public health established by this Act; "Bureau"

5. "Board of health" or "board" means and includes the board of health of any city or town or health district; "Board of
health" or
"board"

6. "Health district" means any part of Saskatchewan not included within the boundaries of a city or town which has been constituted a health district under the provisions of this Act; "Health
district"

7. "Form" means a form in the schedule to this Act; "Form"

8. "Medical health officer" means and includes the medical health officer appointed under the provisions of this Act within the limits of the jurisdiction of any city, town, health district or any other portion of Saskatchewan; "Medical
health
officer"

9. "Executive officer" means and includes all persons who are officers appointed by proper and competent authority for the enforcement of the provisions of this Act or any other law, order or regulation for the time being in force relating to the public health; "Executive
officer"

"Street" 10. "Street" means and includes every highway, road, road allowance, square, lane, mews, court, alley and passage whether a thoroughfare or not;

"House" 11. "House" means and includes any house and includes schools, factories and other buildings, huts and tents for human habitation whether such use is permanent or temporary and whether the same are stationary or movable and outhouses used for any purpose;

"Owner" 12. "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used whether on his own account or as an agent or trustee for any other person or who would so receive the same if such lands or premises were let;

"Householder" 13. "Householder" means the person for the time being as between the actual occupants thereof, the occupant in charge of any premises whether as owner, tenant, agent or otherwise howsoever;

"Contagious or infectious diseases" 14. "Contagious or infectious disease" means and includes small pox, chicken pox, scarlatina, measles, German measles, typhoid fever, diphtheria, Asiatic cholera, whooping cough, mumps, glanders, together with such other diseases as the commissioner may with the approval of the Lieutenant Governor in Council from time to time declare to be contagious or infectious;

"Infected" 15. "Infected" means that condition of a person or thing which is the effect of exposure to any contagious or infectious disease or contact with anything which has been so exposed under circumstances as make it possible that such disease may be spread because of such exposure or contact.

Bureau of public health established

3. There shall be a permanent bureau under the minister to be called the bureau of public health and the Lieutenant Governor in Council may appoint thereto a chief officer to be called the commissioner of public health who shall be a duly qualified medical practitioner and such other officers, clerks and employees as are necessary for the proper conduct of the bureau whose duties under the direction of the minister shall be to carry out the provisions of this Act and such other duties as are assigned to them by the Lieutenant Governor in Council under this or any other Act.

Duties

4. It shall be the duty of the commissioner under direction of the minister:

- (a) To perform the duties prescribed by this Act;
- (b) To keep a record of the transactions of the council;
- (c) As far as practicable to communicate with all provincial or state boards of health and with the boards of health and health officers within the province

and with the councils of cities, towns, villages and rural municipalities and other public bodies for the purpose of acquiring or disseminating information concerning the public health;

- (d) To inspect all public and charitable institutions, such inspections to be made in accordance with such rules and regulations as may from time to time be prescribed by the minister;
- (e) To perform such other duties as may be assigned to him by the Lieutenant Governor in Council under this or any other Act.

5. There shall be a council of public health consisting of the commissioner who shall by virtue of his office be the chairman thereof and three duly qualified medical practitioners and one qualified veterinary practitioner to be appointed by the Lieutenant Governor in Council who shall receive such remuneration as the Lieutenant Governor in Council shall determine. ^{Council of public health established}

(2) On the first constitution of the council two of the members other than the commissioner shall be appointed for three years and two for two years; and thereafter each member appointed shall hold office for two years. ^{Tenure of office}

6. Meetings of the council shall be held at such times and places as may be determined by the minister but at least one meeting shall be held in each calendar year. ^{Meetings}

7. The council shall at its meetings consider and review all orders, rules and regulations made under the provisions of this Act and shall make a report thereon to the minister with such suggestions and recommendations as to the amendment or cancellation of any such order, rule or regulation or the making and issuing of any new order, rule or regulation as it may deem necessary in the interests of the public health. ^{Powers of the council}

8. The council shall also consider such matters as may be referred to it by the minister and may also consider any matter within the purview of this Act as to it may seem fit and shall report thereon to the Lieutenant Governor in Council. ^{Report of the council}

9. The salaries and expenses of the executive officers and medical health officers referred to in sections 29 and 33 hereof respectively may be paid out of such moneys as may from time to time be appropriated by the Legislature for the purpose or out of the moneys to arise out of levying of any special rate or tax under the power by section 33 conferred as the Lieutenant Governor in Council may direct. ^{Payment of salaries and expenses}

General
objects and
functions of
the com-
missioner

10. The commissioner shall take cognisance of the interests of health and life among the people of Saskatchewan; he shall especially study the vital statistics of Saskatchewan and shall use to the best advantage the collected records of death and of sickness among the people; he shall make sanitary investigations and inquiries respecting the causes of disease and especially of epidemics, the causes of mortality and the effects of localities, employments, conditions, habits and other circumstances upon the health of the people; he shall make such suggestions and take such steps as to the prevention and suppression of contagious and infectious diseases as he shall deem most effective and proper and as will prevent and limit as far as possible the rise and spread of disease; he shall inquire into the measures which are being taken by any board of health for the limitation of any dangerous contagious or infectious disease or the performance of any duty through powers conferred upon such boards by this or any other Act and should it appear that no efficient measures are being taken or that the said powers or duties are not being exercised it shall be the duty of the commissioner in the interests of the public health to require such board to exercise and enforce any of the said powers which in his opinion the urgency of the case demands and in any such case where such board after request by the commissioner neglects or refuses to exercise its powers the commissioner may with the approval of the minister exercise and enforce at the expense of the city, town or such portion of any health district as is a village or rural municipality any of the powers of boards of health which under the circumstances the commissioner may consider necessary; and the commissioner shall when required or when he deems it best advise officers of the government and boards of health in regard to the public health and as to the means to be adopted to secure the same and as to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building.

General
powers of
the com-
missioner

(2) The commissioner may subject to the approval of the Lieutenant Governor in Council make and issue such rules and orders and regulations not inconsistent with the law as he may deem necessary for the prevention, treatment, mitigation and suppression of disease and may from time to time subject to the like approval and consent as aforesaid alter or repeal any such rules, orders and regulations and the commissioner may by such rules, orders and regulations provide for and regulate:

1. The management, maintenance, functions, duties and jurisdiction of boards of health, medical health officers and executive officers;

2. The prevention and removal of nuisances;

3. The cleansing, purifying, ventilating, plumbing and disinfecting of houses, churches, schools, public and charitable institutions, buildings and places of assembly, railway stations, carriages and cars as well as other public conveyances by the owners and occupiers and persons having the care and ordering thereof;

4. The inspection of hospitals, gaols, orphanages, reformatories, houses, churches, schools, buildings and places of assembly, railway stations, carriages and cars and all other public conveyances;

5. The construction, maintenance, cleansing and disinfection of all drains, sewerage systems and sewers and systems for sewage disposal, the location, cleansing and disinfection of water closets, cesspools, privies and pigsties, the location, cleansing and disinfection of wells and the cleansing of streets and yards;

6. The construction and maintenance of all water supply systems with reference to the efficiency and purity of supply;

7. The method of the carrying on of all noxious and offensive trades or business and the summary abatement of any nuisance or injury to the public health arising therefrom or liable to arise therefrom;

8. The inspection, licensing, method of construction, furnishing, equipping and maintaining, cleansing and disinfecting all slaughter houses and other places in which animals are killed and their meat prepared for sale or to be used for food and all canneries, fish houses, smokehouses and warehouses in which fish are cured, packed or prepared for sale or to be used as food and all starch factories, dye works or factories in which blood, offal or skins or paraffin, tallow, soap or fertilizers or gas are worked up;

9. The interment of the dead and the conduct of funerals;

10. The isolation or placing in any hospital or building provided for quarantine or isolation purposes or to any other proper place of any person having any infectious or contagious disease or any disease dangerous to the public health; and the disposition of all conveyances or persons that have been exposed to a contagious or infectious disease or persons who are living in unhealthy houses or congested, unhealthy or infected localities;

11. The reporting to a medical health officer by every medical practitioner of any person under his treatment for any infectious or contagious disease or any disease dangerous to the public health.

12. The vaccination of children residing in Saskatchewan;

13. The vaccination of persons entering or residing in Saskatchewan not already vaccinated or not sufficiently protected by previous vaccination;

14. The supply and quality of vaccine matter and serums;

15. The prevention of the use of noxious manures and fertilisers dangerous to the public health;

16. The situation, inspection, equipment, quarantining and sanitary management of all creameries, dairies, cowsheds and stables in connection therewith and market gardens including the testing of cattle for tuberculosis;

17. The prevention of the pollution, defilement, discolouration or fouling of all lakes, streams, pools, springs and waters so as to ensure their sanitary condition and the regulation of the cutting and storing of ice;

18. The imposition, levying and recovery of penalties upon and from any person who shall violate any rules, orders or regulations made hereunder;

19. The sanitary control of lumbering, mining, construction, threshing and other camps; and

20. Generally all such matters, acts and things as may be necessary for the protection of the public health and for ensuring the full and complete enforcement of every provision of this Act.

Publication
of rules
and
regulations

(3) All orders and regulations so made shall take effect from the approval thereof and shall be forthwith published in *The Saskatchewan Gazette* and at least one newspaper, if any, in the city, town, health district or portion or portions of Saskatchewan in which they shall be declared in force and shall have and be deemed to have the force of law and be so recognised by all courts and shall be sufficiently proved by the production of a copy of *The Saskatchewan Gazette* containing the same or by a copy purporting to be printed by the government printer.

Publication
and
dissemina-
tion of
sanitary
literature

11. The commissioner shall from time to time and especially during the prevalence in any part of Saskatchewan of epidemic or endemic disease make public distribution of such sanitary literature and of special practical information relating to the spread of contagious and infectious diseases through the medium of the public press and by circular to boards of health and medical health officers, municipal councils and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health; it shall be lawful to post notices regarding public health in schools, hotels and railway stations.

Investiga-
tions of
sanitary

12. With the concurrence of the minister the commissioner or any other person may act as an investigating committee in

any part of Saskatchewan when deemed necessary to investigate the sanitary conditions and surroundings of any city, town, health district or portion of Saskatchewan or the cause or causes of any contagious or other disease or mortality and at such investigation evidence may be taken on oath or otherwise as the commissioner or other person or persons deems expedient and in such case the commissioner or other person or persons present at the investigation may administer the oath; and the said investigation committee shall have all the powers which may be conferred upon commissioners under chapter 12 of *The Consolidated Ordinances 1898*, intituled "*An Ordinance respecting Inquiries concerning Public Matters.*"

13. Whenever Saskatchewan or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, infectious or contagious disease in man or animals the commissioner may subject to the approval of the Lieutenant Governor in Council issue such regulations not inconsistent with the law as he deems necessary for the prevention as far as possible or the mitigation or suppression of disease and may make, renew, substitute or alter any such regulations and the commissioner may by such regulations provide:

1. For the frequent and effectual cleansing of the streets, yards and outhouses by the local health authorities or by the owners or occupiers of houses and tenements adjoining thereto;

2. For the cleansing, purifying, ventilating and disinfecting of houses, churches, schools, buildings and places of assembly, railway stations, steamboats, railway carriages and cars as well as other public conveyances by the owners and occupiers and persons having the care and ordering thereof;

3. For the removal of nuisances;

4. For regulating with a view of preventing the spread of infectious or contagious disease the entry or departure of boats or vessels at the different ports or places in Saskatchewan and the landing of passengers or cargoes from such boats or vessels or from railroad carriages or cars and steamboats and the receiving passengers or cargoes on board the same;

5. For the safe and speedy interment of the dead and the conduct of funerals with a view of preventing the spread of infectious and contagious disease as aforesaid;

6. For supplying medical aid and accommodation and medicine and such other articles as may be deemed necessary for mitigating such epidemic, endemic or contagious or infectious disease;

7. For house to house visitation;

8. For the inspection of houses, schools, churches, railway stations and other buildings, steamboats, vessels, railway car-

riages and cars and public conveyances and the cleansing, purifying and disinfecting thereof and anything contained therein when required at the expense of the owner, occupier or other person having the care or ordering thereof and for the detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance and anything contained therein so long as may be necessary and any person travelling thereby;

9. For preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

10. For the removal or keeping under surveillance of persons living in infected localities;

11. For preventing or mitigating such epidemic, endemic, infectious or contagious disease in such other manner as to the commissioner seems expedient.

Application
of
regulations
under
special
powers

(2) The commissioner may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of Saskatchewan and to apply to boats, vessels, railway carriages and cars or other conveyances in any portion or portions of Saskatchewan.

Publication
of orders
and
regulations

(3) All orders and regulations so made shall take effect from the approval thereof and shall be forthwith published in *The Saskatchewan Gazette* and at least one newspaper, if any, in the city, town, health district or portion or portions of Saskatchewan in which they shall be declared in force and shall have and be deemed to have the force of law and be so recognised by all courts and shall be sufficiently proved by the production of a copy of *The Saskatchewan Gazette* containing the same or by a copy purporting to be printed by the government printer.

Boards of
health
charged
with
execution of
regulations
under
special
power

(4) It shall be the duty of boards of health in cities and towns and of the medical health officers in health districts or other portions of Saskatchewan to see to the execution of any regulations made by the commissioner or to execute or aid in executing the same within their respective jurisdictions and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations for executing the same as the case may require.

Regulations
under
special
powers to
over-ride
local and
municipal
regulations

(5) During the time that any such orders or regulations are in force in any city, town or health district as provided by the preceding subsections of this section all bylaws or regulations in force in such city, town or health district which in any manner conflict with any such orders or regulations shall be suspended.

14. The expenses incurred by the commissioner in connection with any epidemic shall be defrayed out of any moneys appropriated by the Legislature for that purpose and the expenses incurred by boards of health or by the medical health officers or executive officers in the execution or in superintending the execution of the regulations of the commissioner shall be defrayed and provided for by the cities, towns, villages or rural municipalities having jurisdiction over the respective places affected.

Provisions for payment of expenses of commissioner and of boards of health, medical health officers and executive officers

ACQUIRING LAND.

15. Subject to the approval of the Lieutenant Governor in Council the commissioner may take or may authorise any board of health or medical health officer to take possession of any land or building thereon for any of the purposes mentioned in subsections (1) and (4) of section 13 and in section 70 of this Act; but he shall not authorise the taking or obtaining for the hospital of any city, town or health district of any land or building within the limits of any other city, town or health district.

Power to expropriate lands for health purposes

16. In case of actual or apprehended emergency such possession may be taken without a prior agreement with the owner of the land or building and without his consent and may be retained for such period as may appear to the commissioner, board of health or officer who took possession thereof to be necessary.

Summary expropriation under special circumstances

17. Where possession is taken without the consent of the owner the commissioner, board of health or officer by whom or under whose direction or authority possession is taken shall within five days thereafter give notice thereof to the owner, such notice to be in form 1 in the schedule to this Act or to the like effect; in the event of any owner not being known or not being resident within Saskatchewan or his residence therein being unknown to the commissioner, board or officer required to give notice the commissioner or such board or officer shall cause the notice to be published twice in some newspaper in the locality and shall mail to the last known address, if any, of the owner a copy of the notice in a registered letter, postpaid, and such publication shall be sufficient notice to the owner.

Procedure upon summary expropriation

18. Where under this Act or regulations to be made hereunder any land or building is taken for the use of any city or town or of any village or rural municipality in any health district the owner of such land or building shall be entitled to compensation from such city or town or any village or rural municipality in any health district for whose use the land or building is taken for the use or occupation thereof including any damages arising from such use or occupation; such com-

Compensation for lands expropriated

compensation shall be agreed upon between the council of such city, town, village or rural municipality and the owner and in case they do not agree the amount of compensation shall be determined by proceedings to be taken under *The Arbitration Ordinance*; when the land or building taken is not within the limits of any city or town or of any village or rural municipality in any health district and is not taken for the use of any such municipality the compensation shall be paid by the province and in case of a disagreement as to the amount of the compensation the matter shall be determined by proceedings to be taken under *The Arbitration Ordinance* the parties to such arbitration being the commissioner and the owner or owners of the land or building so taken.

Power to
district
courts
to give
possession
of lands for
these
purposes

19. When any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act or under any regulation which may be made by virtue hereof the judge of the district court of the judicial district within which such land or building is situated may without notice to any person issue his warrant to the sheriff of the district or to any other person requiring him to put the board or medical health officer or the proper authority, as the case may be, their or his servants or agents in possession and to put down such resistance or opposition which the sheriff or other person taking with him sufficient assistance shall accordingly do.

Powers of
commis-
sioner
in case of
default or
negligence
by boards of
health

20. Where information is obtained by the commissioner that any remediable unsanitary condition or nuisance exists in any city or town or health district or any other part of Saskatchewan and that the local authorities, if any, have after proper representation of the fact neglected or refused to take such efficient measures as might remove such conditions or abate such nuisance it shall be competent for the commissioner to institute an investigation and if necessary take sworn evidence concerning the condition or nuisance complained of.

(2) If upon such investigation it is proved that such remediable unsanitary condition exists the commissioner may direct its immediate removal or abatement by the persons responsible therefor and report the same to the minister; and if such person neglects or refuses to remove or abate the same the commissioner may with the approval of the minister cause such removal or abatement to be made and collect the expenses thereof from such person by ordinary process of law.

Water
supply
plans for
the
establish-
ment
or extension
of any
system and

21. When the establishment of a system or the extension of any existing system of waterworks for the purpose of providing a water supply for public consumption is contemplated by the municipal council of any municipality or by any person or body corporate it shall be the duty of such

municipal council, person or body corporate whether incorporated by special or private Act of Parliament or otherwise nowsoever to submit to the commissioner the plans and specifications of the proposed system of waterworks and an analysis of the water from the proposed source or sources of supply verified by affidavit stating that the plans and specifications so submitted are those to be used and followed in the construction of such proposed system, that the particulars set forth in such analysis are true and that the water analysed was taken from the proposed source or sources.

(2) It shall not be lawful to construct, establish or operate any such system of waterworks or any extension of an existing system of waterworks as aforesaid without first obtaining from the commissioner a certificate certifying that the plans, specifications and analysis so submitted and the proposed source or sources have been considered and approved by him and that the proposed system or extension may with safety to the public health be constructed, carried out and operated.

(3) If in the opinion of the commissioner alterations are necessary in the plans or in the specifications of such proposed system the commissioner shall notify the municipality, person or body corporate, as the case may be, of the necessity of such alterations and shall specify the same; and the certificate shall not be granted until such alterations have been made in such plans and specifications.

(4) If in the opinion of the commissioner the quality of the water of any existing system of waterworks is of such a character as to be a menace to the public health such changes or additions shall be made by the municipal council of any municipality or by any person or body corporate in such manner and within such time as the commissioner with the approval of the minister shall direct.

22. When the construction alteration or extension of a common sewer or system of public sewerage is contemplated by the municipal council of any municipality or by any person or body corporate such council, person or body corporate shall submit to the commissioner all plans and specifications in connection with the construction, alteration or extension of such common sewer or system of sewerage and in connection with the purification and disposal of the sewage.

(2) No common sewer or system of sewerage shall be established or continued unless there is maintained in connection therewith a system of sewage purification and disposal which removes and avoids any menace to the public health and the commissioner may call for and any council, person or body corporate shall when requested furnish as soon as may be such information and data in relation to such matters under their control as the commissioner may deem necessary:

Provided that with regard to systems in operation at the date of the passing of this Act the commissioner may dispense with the requirements hereof for a sufficient time in his opinion to permit of compliance therewith.

(3) It shall not be lawful for any such council, person or body corporate to construct, alter, extend or operate any common sewer or system of sewerage or sewage disposal without first obtaining from the commissioner a certificate stating that the proposed construction, alteration or extension may be carried out and the constructed or extended common sewer or system of sewerage and sewage disposal maintained and operated without injury or danger to the public health.

Alterations

(4) If in the opinion of the commissioner for the purpose of guarding against injury or danger to the public health alterations or additions are necessary in any existing or proposed common sewer or system of sewerage or in the plans or specifications for sewage disposal or in both the plans and specifications submitted as aforesaid the commissioner shall notify the municipality, person or body corporate, as the case may be, of the necessity of such alteration and shall specify the same and the aforesaid certificate shall not be granted until the alterations and additions specified in the said certificate have been made and adopted.

Consent of commissioner to certain bylaws necessary before submission to voters

23. No bylaw providing for the raising of money for the construction, operation or extension of any system of water-works or common sewer or system of sewerage or sewage disposal shall be submitted to the votes of the electors by the council of any municipality until the consent of the commissioner to the proposed construction, operation or extension has been first obtained under the provisions of sections 21 or 22 hereof, as the case may be, and the preamble to every such bylaw shall declare that such consent has been duly obtained; no debenture shall be valid if issued under any bylaw passed in contravention of the provisions of this section.

APPOINTMENT OF MEDICAL HEALTH OFFICERS.

Medical health officer for health district or other portion of Saskatchewan

24. When the appointment of a medical health officer appears to be necessary for any health district or for any other portion of the province not included within the limits of a city or town such medical health officer may be appointed by the Lieutenant Governor in Council and at such remuneration payable out of the moneys voted by the Legislature for the purpose of this Act as the Lieutenant Governor in Council may sanction and any such medical health officer shall have similar powers and duties to those mentioned in section 28 hereof.

25. The council of every city or town in Saskatchewan shall appoint a duly qualified medical practitioner to be the medical

health officer of the municipality who shall perform the duties provided for in this Act and in any bylaws or resolutions of such municipality not inconsistent with the law; such health officer shall receive the remuneration fixed by the council which appoints him to be paid by the municipality and shall hold office during the pleasure of the council; such health officer shall have no right of action against the municipality for wrongful dismissal and such health officer shall be entitled to remuneration up to the date of his resignation, death or removal from office only; where at the date of the coming into force of this Act any city or town has a medical health officer such medical health officer shall be the medical health officer of the municipality under this section until he is superseded by competent authority.

26. Whenever any medical health officer in a city or town becomes temporarily or permanently incapable of performing his duties or resigns his office or leaves the locality for which he has been appointed the council shall forthwith appoint another medical health officer in his place.

27. A medical health officer if appointed by the Lieutenant Governor in Council upon the recommendation of the commissioner shall be entitled to recover from incorporated villages or rural municipalities lying within a health district or other portion of Saskatchewan reasonable compensation for his services so far as they appertain to such villages or rural municipalities to be awarded and fixed by the commissioner subject to the approval of the Lieutenant Governor in Council.

28. The medical health officer shall be the chief health and sanitary official for the municipality, health district or other portion of Saskatchewan for which he is appointed and shall perform therein all the duties imposed upon him by any of the regulations of the commissioner; and the fact that similar duties are by statute imposed upon boards of health shall not relieve a medical health officer from the performance of such duties.

29. The Lieutenant Governor in Council may appoint one or more executive officers for such period as is specified in the appointment and fix his or their remuneration, if any.

30. Nothing in the appointment of a medical practitioner as medical health officer in a municipality shall debar him from being also appointed a medical health officer by the Lieutenant Governor in Council of a health district or other portion of Saskatchewan.

SUSPENSION OF MUNICIPAL AND SCHOOL ELECTIONS.

Suspension
of municipal
and school
elections

31. In case the commissioner reports to the Lieutenant Governor in Council that on account of the presence in any municipality of any epidemic or contagious or infectious disease it would be dangerous to hold an election therein the Lieutenant Governor in Council may upon application of the council of the municipality in that behalf issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months and may from time to time further postpone such election if in the opinion of the commissioner the necessity for postponement continues.

(2) The Lieutenant Governor in Council may by such proclamation name days for holding the nominations and polling for the election; but in case no days are named therefor the council shall as soon as practicable after the period named in such proclamation or the last of such proclamations expires by bylaw name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election or an election of the entire council or of all the members of a board of trustees or other body the members of the council, board or other body shall continue to hold office until their successors are elected.

MUNICIPAL BOARDS OF HEALTH.

Constitution
of municipal
boards

32. There shall be a board of health in each city and town and such board shall consist of the council of such city or town, the medical health officer and the engineer, if any.

HEALTH DISTRICTS.

Creation of
health
districts
and boards

33. The Lieutenant Governor in Council may constitute any portions of Saskatchewan not within the boundaries of a city or town to be health districts and may vary the boundaries of or disorganise the same as he sees fit and may appoint boards of health and make orders, rules and regulations with respect to the constitution, establishment, disestablishment, election, appointment, discharge, management, maintenance, jurisdiction, powers, duties and functions of boards of health and medical health officers for such health districts concerning all matters in any way relating to the public health or in any way dealt with by this Act including power of levying special rates and taxes within the jurisdiction of such health district or for the preservation of the public health therein.

(2) When any area is added to or taken from any health district or when any health district is disorganised the minister may do all things necessary for the settlement and adjustment of all matters pertaining to such health district.

(3) In those portions of Saskatchewan not within the boundaries of a city, town or health district the commissioner may exercise any of the powers of a board of health which under the circumstances he may deem necessary and shall for the purpose of this Act be deemed to be a board of health and may appoint one or more medical officers to act therein. Unorganized districts

POWERS AND DUTIES.

34. The municipal council of every city and town shall in each year vote such sums as are necessary for the carrying on of the work of its board of health. Annual municipal appropriation

35. A majority of the members of any board of health shall be a quorum for the transaction of business. Quorum

NUISANCES.

36. Medical health officers shall within their respective jurisdictions visit or cause to be visited from time to time by an executive officer or other officer for the time being employed on the land and buildings situated within the limits of their jurisdiction for the purpose of ascertaining whether there are any accumulations of filth, dirt, rubbish or other matter injurious to health or whether there are any nuisances or unhealthy conditions and shall take necessary measures to remove and abate the same in the manner hereinafter provided. Inspection by medical health officer

37. A complaint that there are any nuisances in or any unhealthy conditions about any land or buildings situated within a city or town or health district may be made to the medical health officer of such city or town or health district either by any person injuriously affected thereby or by two persons residing in such city or town or health district or by a constable. Complaints of nuisances

38. Upon receiving a complaint the medical officer or an executive officer shall inquire into the facts giving rise thereto, cause the place complained of to be visited and shall hear if necessary the evidence of any person; and for the purpose of compelling witnesses to appear and to answer he shall have all the powers conferred upon a justice of the peace in that regard. Duties on receiving complaint

39. When upon a complaint or the inspection of a medical health officer or an executive officer or in any other way the municipal sanitary authority in any city or town or the medical health officer in any health district or other portion of Saskatchewan has become aware of the existence of a nuisance or unhealthy condition such municipal sanitary authority or medical health officer shall give notice in writing to the person responsible for such nuisance or unhealthy condition or if Mode of procedure on complaint

such person cannot be found to the owner or occupant of the land or building requiring him to abate the same within the time mentioned in the notice.

Where
notice is
given to
the owner

40. If the nuisance or unhealthy condition arises from some defect in the conformation or construction of the land or building or if the same is unoccupied the notice prescribed by section 39 shall be given to the owner.

Provision
when an
individual
is not
responsible
for
nuisance

41. If the person responsible for the existence of such nuisance or unhealthy condition cannot be found and if the municipal sanitary authority or medical health officer is of opinion that the nuisance or unhealthy condition is not due to the acts or omissions of the owner such nuisance or unhealthy condition may be abated at the expense of the city or town when occurring therein and at the expense of a village or rural municipality when occurring therein and otherwise at the expense of the province.

Recovery
of expenses

42. All reasonable expenses incurred in abating a nuisance or unhealthy condition may be recovered by proceedings brought summarily under the provisions of part XV of *The Criminal Code* before a police magistrate or before the judge of the district court of the judicial district within which such expenses were incurred or where the defendant or one of the defendants resides or carries on business at the time the proceedings are brought, sitting as a justice of the peace, or by action by those who incurred them from the persons whose act caused such nuisance or unhealthy condition.

Procedure
in case of
nonper-
formance

43. In the case of the nonperformance within the time fixed by the notice prescribed by section 39 hereof of the works required to abate a nuisance or to remove any unhealthy condition the municipal sanitary authority or medical health officer of the health district may cause such works to be done at the expense of the person to whom the notice was given.

Appeal

(2) If the execution of the work has occasioned an expense of \$250 or more the person to whom the notice prescribed by section 39 was given may appeal from the order contained in such notice to the commissioner within ten days after the service of such notice; and if the commissioner after inquiry into the facts to be verified by all the means he deems necessary decides that the nuisance should be abated the person to whom the notice under section 39 was given shall proceed to abate such nuisance within such time as the commissioner appoints.

Infected
person or
thing to be
isolated

(3) The medical practitioner in attendance or any medical health officer may order the removal of any infected person or thing to any hospital, pesthouse or any isolated building or tent provided for that purpose.

44. Any medical practitioner may under warrant from a medical health officer enter in and upon any house, outhouse or premises in the daytime for the purpose of making inquiry and examination with respect to such house or any person therein and may upon the report of such medical practitioner in writing recommending the same cause any person found therein infected with a contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the medical practitioner states in his report that such person can be removed without danger to life and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses.

Medical practitioners under warrant from medical health officers to examine premises and persons

45. Where a disease of a dangerous and malignant character is discovered to exist in any dwelling house or outhouse temporarily occupied as a dwelling in any place in Saskatchewan and such house is situated in an unhealthy or crowded locality or where such house is found to be in a filthy or neglected state or is inhabited by too many persons the medical health officer may compel the inhabitants of such dwelling house or outhouse to depart therefrom and may place them or cause them to be placed in sheds or tents or other good shelter and some more salubrious situation until measures can be taken under the proper authority for the cleansing, ventilation, purification and disinfection of such dwelling place or outhouse.

Persons dwelling in infected premises

46. In case the owner or occupant of any dwelling or premises neglects or refuses to obey the orders given by the medical health officer such health officer may call to his assistance all constables and peace officers and such other persons as he may think fit to assist him in carrying out such orders.

Powers of health officers if disobeyed

FOOD.

47. No person shall sell or offer for sale food or drink which is injured, tainted or spoiled, the flesh of animals which have died of sickness or have been killed while in ill health, of calves, swine and lambs killed before they are at least three weeks old, adulterated milk or milk from cows affected with tuberculosis or any other disease.

48. Every medical health officer or any other officer appointed for that purpose may inspect all animals, dead or alive, meat, fowl, game, fish, fruit, vegetables, grease, bread, flour, milk or other liquid and food intended for human consumption and offered for sale or deposited in a place or transported in a vehicle for the purpose of being afterwards sold or offered for sale or delivered after being sold; and if upon inspection such animals, liquids or food are found to be

Inspection of food

unwholesome, putrid, damaged or infected with the germs of disease or otherwise injurious to health he may seize the same, carry them off and dispose of them so that they shall not be offered for sale or serve as food.

Proof lies
upon the
owner or
possessor

Penalty

49. The burden of proof that the animals, liquids or food are not intended to be sold or to be delivered after having been sold or to serve for food for men shall lie upon the owner or person who had possession thereof; the proprietor of such animals, liquids or food or the person in whose possession they were seized shall be further liable to a fine not exceeding \$50.

CONTAGIOUS AND INFECTIOUS DISEASES.

Notification.

Notice of
disease

50. When any member of a household has smallpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, chickenpox or whooping cough the householder shall forthwith give notice thereof to the medical health officer of the locality where he resides or to the commissioner in case there is no medical health officer in the locality.

Physician's
notice to
medical
health
officer

51. When a physician ascertains that a person whom he is called upon to visit professionally has smallpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, chickenpox or whooping cough he shall within twenty-four hours thereafter give notice thereof in writing to the medical health officer of the locality in which such affected person resides and in case there is no medical health officer in the locality such a notice shall be sent to the commissioner.

Medical
health
officer to
report to
the
commis-
sioner

52. Every medical health officer shall within twenty-four hours give notice by registered letter to the commissioner of any case of smallpox, typhoid fever, chickenpox, diphtheria or scarlet fever which has appeared within his jurisdiction and which has been brought to his notice under the two next preceding sections.

Medical
officers to
report to
bureau

53. Every medical health officer shall on every Saturday transmit to the bureau a return showing the number of cases of infectious and contagious disease in his district during the month next preceding together with such additional information as may from time to time be required by the minister.

REMOVAL AND CHANGE OF RESIDENCE.

Removal
and
change of
residence

54. No person infected with smallpox, diphtheria, scarlet fever, typhoid fever, chickenpox, measles or German measles shall be removed at any time except by permission and under direction of the commissioner, medical health officer or attending physician nor shall any occupant of any house in which there exists any of the above diseases leave the same or change

his or her residence to any other place without the consent of the commissioner, the medical health officer or attending physician who shall prescribe the conditions of removal as set out in the form 2 or 3 in the schedule to this Act as may be considered applicable and who shall see that these conditions are carried out:

Provided that any inmate of any infected house may do whatever may be necessary to procure medical or other aid in any emergency; after the departure of the patient the medical health officer or attending physician shall see that the house and effects contained therein are disinfected in accordance with this Act.

ISOLATION, QUARANTINE.

55. Whenever a householder has reason to believe that anyone in his household is infected with smallpox, diphtheria, scarlet fever, typhoid fever, chickenpox, measles or German measles he shall forthwith affix and during the whole period of such infection keep affixed to the outside of every outer door of such house a written notice of a size not less than four inches by six inches bearing the name of the disease with which the said house is infected. ^{Posting notices by householder}

56. When a physician ascertains that any person whom he has been called to attend is ill with smallpox, diphtheria, scarlet fever, typhoid fever, chickenpox, measles or German measles he shall except when such already exists cause forthwith a written notice to be posted up on the outside of every outer door of such house of a size not less than four inches by six inches bearing the name of the disease with which the said house is infected. ^{Duties of physician as to posting notices}

57. Where a case of smallpox, diphtheria, scarlet fever, measles, chickenpox or German measles exists in a house the medical health officer or an executive officer under his directions shall immediately on receiving notice on the outside of the outer door cause a placard to be posted in a conspicuous place on the entrances to the house indicating the nature of the disease and containing written or printed thereon the word "quarantine" and such placard shall be deemed a sufficient notice of quarantine to the inmates of such house. ^{Placarding}

58. Municipal boards of health or medical health officers alone shall remove or cause to be removed such placards and this only after the house has been properly disinfected in accordance with the Act. ^{Removal of placard}

59. When smallpox exists in a house all persons residing therein or who have been in contact with the patient shall be immediately vaccinated. ^{Vaccination of those exposed}

Quarantine
of those
exposed

60. Any person having been in contact with a smallpox or chickenpox patient shall be kept in quarantine under view during all the period of incubation of the malady unless the commissioner otherwise directs.

Provisions
for outside
service

61. When a house is quarantined the medical health officer shall see that where it is necessary there is a person to do the outside service for the wants of those who reside in such house; the person in charge of such service shall not enter the house but shall take orders verbally and at a distance and lay down at the entrance of the house everything he brings there; the services of such person as well as everything he is ordered to bring shall be supplied at the expense of the head of the house so quarantined excepting in a case of known poverty when such services as well as the necessaries of life shall be furnished at the expense of the city, town, village or rural municipality wherein the quarantined house is situated and otherwise shall be defrayed by the province.

Ingress
from
districts
affected
may be
prohibited

62. When any part of Saskatchewan becomes exposed to any contagious, infectious or epidemic disease then existing in any place outside Saskatchewan the Lieutenant Governor in Council may declare that such disease exists in such place as aforesaid and prohibit all ingress to Saskatchewan therefrom for a period to be named in such order.

SCHOOLS.

Notice to
teacher by
householder
of
contagious
or infectious
diseases

63. Whenever a case of smallpox, scarlet fever, diphtheria, whooping cough, measles, German measles, mumps, chickenpox, glanders or other contagious or infectious disease exists in any house or household any members of which attend school the householder shall within eighteen hours after the time such disease is known to exist notify the head teacher of such school or schools and also the medical health officer of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer in municipalities or outside of municipalities from the medical health officer or a registered medical practitioner that infection no longer exists in the house; and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate shall have been obtained it shall be the duty of every member of the household and of the teacher to use all reasonable efforts to prevent the association of the members of the said household with other children:

Provido

Provided however that in the case of measles or German measles any member of such household may attend school upon obtaining a certificate from the medical health officer in municipalities or outside of municipalities from the medical health

officer or a registered medical practitioner that proper precautions have been taken for the isolation of the sick member or members of the household and that such member of the household has not contracted nor is in danger of contracting or propagating such disease.

(2) Whenever a board of health or medical health officer or any other officer under this Act knows of the existence in any house of smallpox, scarlet fever, diphtheria, whooping cough, measles, mumps, chickenpox, glanders or other contagious disease such board, medical health officer or other officer shall at once notify the head or other master of the school or schools at which any member of the household is in attendance and should it not be evident that such member has not been exposed to such disease or any of them the teacher shall forthwith prevent such further attendance until such member presents a certificate stating that infection no longer exists as provided in the next preceding subsection.

(3) Whenever a teacher in any school has reason to suspect that any pupil has or that there exists in the home of any pupil any of the above mentioned diseases he shall forthwith notify the medical health officer and the parents or guardian of such pupil in order that evidence may be had of the truth of the report; and such pupil or pupils shall not attend school until medical evidence of the falsity of the report has been obtained.

64. When the commissioner or municipal board of health considers it necessary to order the closing of one or more schools for the purpose of preventing or checking the spread of any contagious or infectious disease the proprietors or persons in charge of such schools shall not admit any pupil into it until they have received permission from the commissioner or municipal board of health to reopen the school.

DISINFECTION.

65. Whenever a house has been quarantined the medical health officer of the municipality, health district or other portion of Saskatchewan or any duly qualified medical practitioner shall see that after the recovery or burial of the person who has been ill the whole house and all the effects contained in it are disinfected in the manner described in forms 4, 5 and 6 of the schedule to this Act:

Provided that when in the case of measles, German measles, chickenpox or typhoid fever the patient has been isolated in a separate room such medical health officer or duly qualified medical practitioner may at his option require the disinfection of that room only.

Expense of
disinfection

66. The expense of disinfection if occurring in a city, town, village or rural municipality shall be borne by the ratepayers thereof and if in any other portion of Saskatchewan by the province.

Disinfection
after
quarantine
of person

67. No person recovering from an infectious or contagious disease and no person who has nursed him shall leave the house before all the precautions described in the forms 2, 4, 5 and 6 in the schedule to this Act have been taken.

Disinfection
of articles
and howe
after
quarantine
to be
offered for
sale

68. No person shall give, sell, lease, loan or expose for sale a house infected by a contagious or infectious disease without having it disinfected in the manner prescribed in the form 6 in the schedule to this Act; and no person shall give, sell, lend or expose for sale any article infected by contagious or infectious disease without having the same disinfected in the manner described in form 4 in the schedule to this Act and such article shall not be removed from the house or building without the consent in writing of the medical health officer or attending physician.

EMERGENCY PROVISIONS.

Emergency
hospital

69. In case smallpox or any other infectious or contagious disease dangerous to the public health breaks out in any city or town or health district or other portion of Saskatchewan the board of health or medical health officer shall in case a temporary hospital or hospital tent has not been already provided immediately provide such temporary hospital, hospital tent or other place or places for the reception of the sick and infected as shall be deemed best for the accommodation of such persons and for the safety of the inhabitants at the cost of the city, town, village or rural municipality and of the province in other portions of the province and for that purpose may:

1. Themselves erect such hospital tents, hospitals or places of reception;

2. Contract for the use of any such hospital or part of a hospital or place of reception whether within or without the same jurisdiction;

3. Enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of such city or town or health district or other portion of Saskatchewan on payment of such sum as may be agreed upon.

Quarantine
of new
arrivals

70. In case any person comes within Saskatchewan who is infected or lately before has been infected with or exposed to any contagious or infectious disease the medical health officer of the city, town or health district or other portion of Saskat-

chewan where such person may be may make effective provision in the manner which to him shall seem best for the public safety by removing such person to a separate house or by otherwise isolating him and by providing nurses and assistance and necessaries for him at his own cost and charge or at the cost of his parents or the person or persons liable for his support or at the cost and charge of the city, town, village or rural municipality in which he may be or in other parts of the province at the cost of the province.

FUNERAL, INTERMENT.

71. The body of every person who has died of smallpox, diphtheria or scarlet fever shall be kept isolated up to the moment of the funeral in a room occupied by such person during his illness. Isolation of body

72. The body of any person who has died of a contagious or infectious disease shall be disinfected in the manner described in form 7 in the schedule to this Act. Disinfection of body

73. The body of any person who has died of smallpox, diphtheria or scarlet fever shall not be taken out of the neighbourhood in which the death occurred without a special permit from the medical health officer or commissioner who shall indicate the measures to be taken before and during such transfer. Removal of body from neighbourhood under certain conditions

74. No one shall attend the funeral or burial of a person who has died of smallpox, diphtheria or scarlet fever except the officiating clergyman, undertaker and the public officer or necessary witness or unless he is strictly indispensable to the transport or burial of such body unless the said body has been placed in a coffin of solid metal or lined with metal and hermetically closed. Limitation of attendance at funeral

75. The body of a person who has died of smallpox, diphtheria or scarlet fever shall be buried within twenty-four hours next following his death unless such body is placed in a coffin of solid metal or lined with metal and hermetically closed or a certificate is obtained from the local medical health officer granting a postponement of burial. Early burial with certain exceptions

76. The body of a person who has died of an infectious or contagious disease shall not be taken into a church or chapel or deposited in a public vault but shall be transferred directly from the place of death to the cemetery unless special permission to the contrary is obtained from the medical health officer or the commissioner. Conduct of burial

77. The body of any person who has died of any contagious or infectious disease shall not be disinterred except by permission of the commissioner and subject to the conditions by him imposed. Conduct of disinterment

INOCULATION AND VACCINATION.

Inoculation.

Compulsory
vaccination

78. The commissioner may order that vaccination and revaccination shall be compulsory within the limits of any specified locality within Saskatchewan and may make all necessary regulations respecting the same.

Medical
health
officer
shall keep
vaccine

79. Every medical health officer shall at all times keep in his possession a sufficient number of vaccine points for emergency purposes.

Certificates

80. Upon and immediately after the successful vaccination of any child the medical practitioner who performed the operation shall deliver to the father or mother or other person having the care of the said child a certificate according to form 8 in the schedule to this Act.

Exceptions
to
immediate
vaccination

81. If any medical practitioner is of opinion that any person or child brought to him is not in a fit and proper state to be vaccinated he shall deliver to such person or to the father or mother of such child or to the person having the care of such child a certificate to that effect according to form 9 in the schedule to this Act which certificate shall remain in force for two months after its delivery; and such person or the father or mother of such child or the person having the care of such child shall at the end of that period either have the certificate renewed or vaccination performed.

Vaccination in Schools.

No
admission
to school
without
vaccination

82. School trustees and all educational authorities may at any time require that no pupil shall be admitted to any school under their control unless such pupil hands to the teacher of the school he attends either a certificate of efficient vaccination in form 8 or a certificate in form 10 of his being insusceptible to vaccination.

Power to
medical
health
officer to
require
certificate

83. Whenever he deems it necessary the medical health officer of any locality which is or is threatened to be invaded by smallpox may require a certificate or other sufficient evidence of immunity from smallpox to be handed by every pupil attending the school, college, convent, university or other educational institution within such locality to the authorities of the institution which he attends; and every pupil who refuses or neglects to produce such certificate on demand shall be excluded from the institution during the whole time of his refusal or neglect.

Penalties

84. Every person or corporation having the control over a school, college, convent, university or other educational insti-

tution refusing or neglecting to exclude a pupil who does not furnish a certificate of vaccination or insusceptibility to vaccination when required so to do as prescribed by sections 82 and 83 of this Act shall be liable on summary conviction to a fine not exceeding \$10 for each day during which such contravention exists.

TUBERCULOSIS.

85. The following provisions of sections 85 to 87 of this Act shall apply to the disease of tuberculosis and none of the other provisions of this Act shall apply to such disease of tuberculosis; and for the sake of greater certainty it is declared that where the words "disease" or "disease injurious and dangerous to the public health" or any other form of words to the like effect occur in this Act such words or form of words do not apply to the disease of tuberculosis.

86. Any person affected with tuberculosis or his parents or guardian or the householder where such person is lodging or boarding shall notify the medical health officer of the city, town, health district or other portion of the province in which such person resides or if there is no medical health officer then the commissioner of the address of such person and such notification shall be repeated whenever such person changes his place of residence; and as soon as such medical health officer or the commissioner receives such notice he shall forthwith forward to the person giving such notice information and directions as to the conduct of such person affected having relation to the spread of the disease to others or the infecting of his or her environment; and such person affected or his parent or guardian or the householder in whose house such affected person is lodging or boarding shall as far as practicable carry out such directions.

(2) When a physician ascertains that a person whom he is called upon to visit professionally is affected with tuberculosis he shall within twenty-four hours thereafter give notice thereof in writing to the medical health officer of the locality in which such affected person resides or to the commissioner.

87. Whenever any person affected with tuberculosis has vacated any house or has died therein the householder or if there is no householder the owner thereof shall immediately give notice thereof to the medical health officer of the city, town or health district or other portion of the province in which such house is situated or in case there is no medical health officer in the locality then to the commissioner; and the house or so much of it as has been occupied or used by such person shall be disinfected according to forms 5 and 6 in the schedule to this Act and all clothing, bedding and other fabrics infected, used or exposed to infection of the disease shall be

disinfected according to the directions contained in form 4 in the schedule to this Act and such disinfection shall be completed before such house, clothing, bedding and fabrics are occupied or used again.

PENALTIES.

Penalties

88. Where no other or different provision is made herein whoever infringes any of the provisions of this Act or neglects to conform thereto shall upon summary conviction be liable for each offence to a penalty of not less than \$2 nor more than \$50.

Persons covering up, taking down, etc., notices

89. Any person maliciously taking down, covering up, mutilating, defacing or altering any proclamation, notice or document required to be posted up under any of the provisions of this Act shall be liable to a penalty of not more than \$100 nor less than \$25 and in default of payment to imprisonment for a term of not more than six months nor less than one month.

GENERAL.

Mode in which board of health may enforce its authority

90. Whenever any board of health has any authority to direct that any matter or thing shall be done by any person or corporation such board may also in default of its being done by the person or corporation direct that such matter or thing shall be done at the expense of the person or corporation in default and may recover the expense thereof by action from the person or corporation so in default.

Lieutenant Governor in Council may make regulations

91. The Lieutenant Governor in Council may make such rules and regulations as he may deem necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

Lieutenant-Governor in Council may vary, etc., forms

92. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

Commencement of Act

93. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on, from and after such day so declared become and be in force.

1902, c. 4 repealed

94. *The Public Health Ordinance* and all amendments thereto are hereby repealed.

SCHEDULE.

FORM 1.

(Section 17.)

EXPROPRIATION OF LAND.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken of the following land (or building, as the case may be), namely:

And further take notice that such land (or building) will be occupied and used for the purpose of the said Act and regulations from and after the date hereof for a period of or such other time as may in the discretion of the undersigned be necessary.

Dated

.....

FORM 2.

(Sections 54, 67.)

DISINFECTION OF THE PERSON.

Hands and general surface of the body of attendant of sick and of convalescents to be washed with:

1. Solution chlorinated soda, 1 pint to the gallon; or
 2. Solution carbolic acid, 2 ounces to the gallon; or
 3. Solution mercuric chloride, 1 drachm to the gallon, for the hands only.
-

FORM 3.

(Section 54.)

PRECAUTIONS TO BE TAKEN WHEN REMOVING A PATIENT SUFFERING FROM A CONTAGIOUS DISEASE.

Remove all clothing, linen, coverings or other effects of the patient and replace them by others which have not been used since the beginning of his illness, or which have not remained in the room in which he has been isolated unless, however, such clothing, linen, coverings or other effects, after having been used by the patient or having remained in his room, have been disinfected in the manner described in form 4 in the schedule to this Act.

Provide the patient with rags for receiving his expectorations or evacuations during the transport and burn these rags or disinfect them according to the method described in form 4 of the schedule to this Act.

FORM 4.

(Sections 65, 67, 68, 87.)

DISINFECTION OF CLOTHING AND BEDDING.

(a) Underclothing and bed linen soiled by discharge:

1. Destruction by fire; or
2. Immersion for 24 hours in solution of mercuric chloride, 1 drachm to the gallon of water; or
3. Immersion for 4 hours in solution of carbolic acid, 2 ounces to the gallon, then boiling or exposure to superheated steam; or
4. Formalin in air tight box, at the rate of 8 ounces to 1,000 cubic feet. Exposure 24 hours.

(b) Mattresses, blankets, etc.:

1. Destruction by fire; or
2. Immersion in boiling water for one hour; or
3. Immersion in solution of mercuric chloride, 1 drachm to the gallon, for 24 hours; or
4. Formalin in air tight box, at the rate of 8 ounces to 1,000 cubic feet. Exposure 24 hours.

FORM 5.

(Sections 65, 67, 87.)

DISINFECTION OF FURNITURE AND ARTICLES OF WOOD, LEATHER AND PORCELAIN.

Thorough washing with:

1. Mercuric chloride solution, 2 drachms to the gallon; or
2. Fresh chloride of lime solution, 2 ounces to the gallon; or
3. Solution of carbolic acid, 2 ounces to the gallon; or
4. Formalin in air tight box or room at the rate of 8 ounces to 1,000 cubic feet. Exposure 24 hours.

FORM 6.

(Sections 65, 67, 68, 87.)

DISINFECTION OF HOUSES.

1. Solution of mercuric chloride, 1 drachm to the gallon to be used in washing floor, walls and ceiling at intervals; and when final disinfection is made every surface to be thoroughly scrubbed with soap and water and then with above solution, and afterwards fumigated with sulphur as above directed for 24 hours; or
2. Formalin at the rate of 8 ounces to 1,000 cubic feet sprayed or sprinkled on sheets in various rooms, or other means approved by the commissioner.

FORM 7.

(Section 72.)

DISINFECTION OF THE DEAD.

Envelop the body in a sheet thoroughly saturated with:

1. Mercuric chloride solution, 2 drachms to the gallon; or
2. Carbolic acid solution, 5 ounces to the gallon; and place in a coffin and close up permanently and inter within 24 hours if possible.

FORM 8.

(Sections 80 and 82.)

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that
 aged _____ child of _____
 residing at No. _____
 in the municipality of _____
 successfully vaccinated by me.

Street,
has been

Dated at _____ this
day of _____ 19 .

A.B.
Signature.

FORM 9.

(Section 81.)

CERTIFICATE THAT CHILD IS NOT FIT FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion
 that . the child of
 residing at No. Street in the
 municipality of aged
 is not now in a fit and proper state to be successfully vacci-
 nated, and I do hereby postpone the vaccination until the
 day of .

Dated at this
 day of 19 .

A.B.
 Signature.

FORM 10.

(Section 82.)

CERTIFICATE THAT CHILD IS NOT SUSCEPTIBLE TO
VACCINATION.

I, the undersigned, hereby certify that I am of opinion
 that the child of
 residing at No. Street in the
 municipality of is insusceptible to vaccinatoin.
 This certificate is valid only for five years from the date.

Dated at this
 day of 19 .

A.B.
 Signature.

✓ 1909

CHAPTER 9

An Act respecting Public Works.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Public Works Act.*" 1906, short title c. 10, s. 1.

INTERPRETATION.

2. In this Act unless the context otherwise requires:

1. The expression "department" means the department of ^{"Department"} public works for the province;

2. The expression "minister" means the minister of public ^{"Minister"} works for the province;

3. The expression "deputy minister" means the deputy ^{"Deputy"} minister or the person performing his duties for the time being; ^{minister"}

4. The expression "chief engineer" means the chief ^{"Chief"} engineer of the department or the person performing his ^{engineer"} duties for the time being;

5. The expression "district surveyor and engineer" means ^{"District"} the district surveyor and engineer for any public works district ^{surveyor} appointed as herein provided or any surveyor or engineer ^{and} employed from time to time by the minister to perform any of ^{engineer"} the duties imposed upon district surveyors and engineers by this Act;

6. The expression "engineer" means such civil engineer or ^{"Engineer"} surveyor as is from time to time appointed by the Lieutenant Governor in Council;

7. The expression "public works district" means any portion ^{"Public"} of the province which may from time to time be set aside as a ^{works} public works district with a distinctive name; ^{district"}

8. The expression "surveyor" means a land surveyor duly ^{"Surveyor"} authorised under the provisions of *The Dominion Lands Surveys Act* and *The Land Surveyors Act*;

9. The expression "road allowance" means any road allow- ^{"Road"} ance laid out under the provisions of *The Dominion Lands Act*; ^{allowance"}

"Public
road"

10. The expression "public road" means any road surveyed and set aside as a public highway under the provisions of *The North-West Territories Act* or this Act;

"Ditch" or
"drain"

11. The expression "ditch" or "drain" means any ditch or drain opened or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not and also the work and materials necessary for any culvert, catch basins or guards; and any ditch or drain constructed by the department may be called "government ditch" and distinguished by a number;

"Construc-
tion"

12. The expression "construction" means the original work of constructing any public work or opening or making any road allowance, road, ditch or drain;

"Mainten-
ance"

13. The expression "maintenance" means and includes the preservation and keeping in repair of any public work, road allowance, road, ditch or drain;

"Public
work"

14. The expression "public work" means lands, streams, watercourses and property (real and personal) heretofore or hereafter acquired for public works; dams, hydraulic works and other works for improving the navigation of any stream; dams, slides, piers, booms or other works for facilitating the transmission of logs or timber; dams erected for the storage of water, water powers and works connected therewith, roads, culverts, bridges, ditches, drains, public buildings and wells, any drainage work within the meaning of *The Drainage Act* and any matter or thing done or to be done in connection therewith under and by virtue of the said Act;

"Written"
or
"Writing"

15. The expression "written" or "writing" or terms of like import mean and include words printed, engraved, lithographed or otherwise traced or copied;

"Official
valuator"

16. The expression "official valuator" means the official appointed to that position as herein provided;

"Owner"

17. The expression "owner" includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land;

"Outlet"

18. The expression "outlet" means any river, creek, watercourse or natural drainage channel;

"Person"

19. The expression "person" includes partnerships and companies;

"Ferry" or
"ferries"

20. The expression "ferry" or "ferries" means any scow, barge or boat used for the purpose of carrying passengers, freight, vehicles or animals across any river, stream or other body of water and the cable and appliances connected therewith;

"License"

21. The expression "license" means the license issued to any person to operate a ferry under the provisions of this Act;

22. The expression "land" or "lands" unless a contrary ^{"Land" or} intention appears includes lands, messuages, tenements and ^{"lands"} hereditaments, corporeal or incorporeal, of every nature and description, and every estate or interest therein and whether such estate or interest is legal or equitable together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto and all trees and timber thereon and thereunder lying or being. 1906, c. 10, s. 2, *amended*.

ORGANISATION AND DUTIES OF THE DEPARTMENT.

3. There shall be a department of the public service of the province of Saskatchewan called the department of public works over which the member of the executive council appointed by the Lieutenant Governor under seal of the province to discharge the functions of the minister of public works for the time being shall preside. 1906, c. 10, s. 3. <sup>Organisa-
tion of
department</sup> <sup>Minister of
public
works</sup>

4. The minister shall have the administration, management and control of the department and of the general business thereof; and shall oversee and direct the officers, clerks and servants of the department. 1906, c. 10, s. 4. <sup>Adminis-
tration</sup>

5. The minister shall also have the management, charge and direction of the construction, heating, lighting, furnishing, maintenance and keeping in repair of all government buildings. 1906, c. 10, s. 5. <sup>Government
buildings</sup>

6. With the approval of the Lieutenant Governor in Council the minister shall also appoint and control the officers and servants necessary for the proper care and maintenance of the government buildings. 1906, c. 10, s. 6. <sup>Appoint-
ment of
officials
to care for
government
buildings</sup>

7. The minister shall also have the control and management of the construction and maintenance of all public works; and of the issue of any and all maps and plans needed by the department or by any other department of the provincial government; he shall also deal with all questions affecting obstructions to any road allowance or public highway which has been vested in the provincial government for public use including the crossing of such road allowances or public highways by irrigation ditches, canals or other works; and with the providing and maintaining of public or private ferries as herein provided on any river or stream or other body of water in the province; and shall have such other powers and duties as may from time to time be assigned to him by the Lieutenant Governor in Council. 1906, c. 10, s. 7. <sup>Control of
public
works</sup> <sup>Maps and
plans</sup> <sup>Public
highways</sup> ^{Ferries}

Deputy
minister

8. The Lieutenant Governor in Council may appoint an officer who shall be called the deputy minister who shall also be chief engineer and who shall be the deputy or assistant to the minister. 1906, c. 10, s. 8.

Duties of
deputy
minister

9. The deputy minister shall prepare or cause to be prepared maps, plans, specifications and estimates for all public works which are about to be constructed, altered or repaired as directed by the minister; he shall report for the information of the minister on any question relating to any public work which is submitted to him; he shall examine, revise and approve the plans, specifications and estimates of other surveyors, engineers, architects and officers in respect to any public work; and generally he shall advise the minister on all surveying, engineering and architectural questions affecting any public work; he shall also prepare reports and conduct under the direction of the minister the correspondence of the department and see that all contracts entered into by the minister are properly drawn out and executed, that all letters, reports and other documents are properly copied or filed, as the case may be, and generally do and perform all such acts and things pertaining to the business of the department as he may from time to time be directed by the minister. 1906, c. 10, s. 9.

DIRECTOR OF SURVEYS.

Director of
surveys

10. The Lieutenant Governor in Council may appoint a duly qualified Saskatchewan land surveyor to be director of surveys for the province and may define the duties of such officer and fix the remuneration to be paid to him for his services; such Saskatchewan land surveyor shall also be a Dominion land surveyor. 1906, c. 10, s. 40, *amended*.

Examina-
tion of
witnesses

Compelling
attendance

11. The minister may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any such person deemed necessary touching any matter upon which his attendance is required; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Remunera-
tion

(2) For the time lost and expenses incurred by any person in obedience to such notice such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the treasurer on the certificate of the minister.

Penalty for
noncom-
pliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the minister or to be examined as aforesaid shall be guilty of an offence and liable on sum-

mary conviction to a fine of \$25 and on nonpayment of such fine forthwith after conviction to imprisonment for one month. 1906, c. 10, s. 11.

PUBLIC PROPERTY.

12. All lands, streams, watercourses and property (real or personal) heretofore or hereafter acquired for the use of public works; all dams, hydraulic works and other works for improving the navigation of any water; all slides, dams, piers, booms and other works for facilitating the transmission of logs or timber; all dams erected for the storage of water; all hydraulic powers created by the construction of any public work; all roads and bridges; all public buildings; all vessels, dredges, scows, tools, implements and machinery for the improvement of navigation; all drains and drainage works; all ferries; all wells; and all property heretofore or hereafter acquired, constructed, repaired, maintained or improved at the expense of the North-West Territories and of the province and not under the control of the Dominion Government shall be and remain vested in his Majesty and so far as not under the control of any other department shall be under the control of the department. 1906, c. 10, s. 12.

13. The Lieutenant Governor in Council may from time to time declare any other property (real or personal) and any works, roads, bridges, harbours, booms, slides, buildings or other things specified in the last preceding section and purchased or constructed at the public expense to be public works subject to the provisions of this Act and they shall thenceforth be vested in his Majesty and under the control of the department. 1906, c. 10, s. 13.

14. Any person having possession of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records relating to any public work who refuses or neglects upon demand of the minister or other person authorised to require it forthwith to deliver the same to the department shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$25 and on nonpayment forthwith on conviction to imprisonment for one month. 1906, c. 10, s. 14.

15. Any property (real or personal) when no longer required for the use of any public work may be sold, leased or otherwise disposed of under the authority of the minister; and the proceeds of all such sales, leases and dispositions shall be accounted for as public money:

Provided always that such property shall whenever practicable be so sold, leased or disposed of by tender or public auction. 1906, c. 10, s. 15.

Adminis-
tration and
disposal
of public
lands

16. The minister shall have the administration and management of all lands taken for public works as herein provided and of all other lands the property of the province; and such lands may be disposed of from time to time under regulations to be prescribed by the Lieutenant Governor in Council.

(2) The said lands when required to be leased or transferred may be so leased or transferred under the hand and seal of the minister. 1906, c. 10, s. 45.

PUBLIC WORKS DISTRICT.

Public
works
district

17. The Lieutenant Governor in Council may from time to time set aside any portion of the province as a public works district; and a notice of the order setting aside any district describing the boundaries of the district shall be published in *The Saskatchewan Gazette*. 1906, c. 10, s. 23.

District
surveyors
and
engineers

18. The Lieutenant Governor in Council may appoint one or more qualified persons as district surveyors and engineers for any public works district; and may define their duties and fix the remuneration to be paid such district surveyors and engineers.

(2) A notice of such appointment shall be published in *The Saskatchewan Gazette*. 1906, c. 10, s. 24.

Penalty for
obstructing
district
surveyors
and
engineers

19. Any person who interrupts, hinders or molests any surveyor or any engineer engaged in making any examination, exploration or survey in connection with any work authorised by this Act shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding \$50 or to imprisonment for a term not exceeding two months or to both. 1906, c. 10, s. 25.

Examina-
tion of
witnesses

20. Any district surveyor and engineer may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required in connection with any public work; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Compelling
attendance

Remunera-
tion

(2) For the time lost and expenses incurred by any person in obedience to such notice such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the provincial treasurer on the certificate of the minister.

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the district surveyor and engineer or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25 and on nonpayment of such fine forthwith after conviction to imprisonment for one month. 1906, c. 10, s. 26. Penalty for noncompliance

SURVEYS.

21. The minister may from time to time cause surveys to be made by a duly qualified surveyor of any old trail which existed as such prior to the subdivision of the land which it crosses into sections or any road allowance diversion or new road; and one copy of the plans of such surveys approved by the chief engineer shall be filed in the department and a second copy shall be forwarded to the land titles office for the land registration district within which such old trail, road allowance diversion or new road is situated. Surveys of trails, etc.

(2) The effect of the forwarding and receipt in a land titles office of such copy of plans of survey whether before or after the coming into force of this Act shall be to vest the lands shown on such plans in his Majesty for the public use of the province without prejudice however to the legal rights of the owner to compensation therefor: Lands to vest in his Majesty

Provided that the right and title to all mines and minerals which may be found to exist under such land shall continue to be vested in the said owner and his assigns; and the said Act shall be construed as though the said proviso had always been contained therein. Proviso

(3) Such old trails, road allowance diversions or new roads shall be laid out one chain (or sixty-six feet) in width; and in making the survey of any old trail the surveyor may make such changes in the location thereof as he deems necessary without however altering its main direction. Location and width

(4) The minister may from time to time prescribe a manual of instructions for the guidance of surveyors employed in making any surveys authorised by this Act and may therein direct the manner in which such surveys shall be marked on the ground and the plans and field notes of the same prepared. 1906, c. 10, s. 27, *amended*. Manual of instructions

22. The minister may close up the whole or any portion of any road allowance or other public road and may deal with the land in any such road allowance or other public road as may seem expedient. Closing up roads

(2) All documents necessary to transfer the title to the portion of any road allowance or other public trail which has been closed as herein provided shall be signed by the minister. 1906, c. 10, s. 28.

Survey for
public
work

23. The minister may cause to be made by a duly qualified surveyor the survey of any area required for any public building, dam, reservoir, ditch, drain or any other public work. 1906, c. 10, s. 29.

Exploration
for public
work

24. The minister may from time to time cause to be made by any person approved of by him an exploration or investigation needed in connection with the examination of any portion of the province to determine the feasibility and cost of any proposed public work. 1906, c. 10, s. 30.

LANDS REQUIRED FOR PUBLIC WORKS.

Expropria-
tion of
lands
for public
works
Entering
lands

25. The minister may by surveyors, engineers, foremen, agents, workmen and servants:

Survey, etc.

1. Enter upon and take possession of any lands in whomsoever vested required for any public work;

2. Enter into and upon any land to whomsoever belonging and survey and take levels of the same and take such borings or sink such trial pits as he deems necessary for any purpose relative to a public work;

Taking
possession

3. Enter upon and take possession of any land the expropriation of which is in his judgment necessary for the use, construction, maintenance or repair of any public work or for obtaining better access thereto;

Deposit or
removal of
materials

4. Enter with workmen, carts, carriages and horses upon any land and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for public work or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing, maintaining or repairing the public work;

Roads

5. Make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair;

Drains

6. Enter upon any land for the purpose of making proper drains to carry off the water from the public work or for keeping such drains in repair;

Divert
streams
or roads

7. Divert or alter as well temporarily as permanently the course of any brook, rivulet, road, street or way or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of the public work as he thinks proper; but before discontinuing or altering any public road another convenient road in lieu thereof shall be substituted; and the land theretofore used for any road or part of a road so discontinued

may be transferred by the minister to and shall thereafter become the property of the owner of the land of which it originally formed a part;

8. Divert or alter the position of any water pipe, gas pipe, ^{Pipes,} sewer, drain or any telephone or electric light wire or pole. ^{wires,} ^{poles} 1906, c. 10, s. 31.

26. Whenever it is necessary in the building, maintaining ^{Removing} or repairing of the public work to take down or remove any ^{fences} wall or fence of any owner or occupant of land or premises adjoining the public work or to construct any back ditch or drain for carrying off water such wall or fence shall be ^{Constructing} replaced as soon as the necessity which caused its taking down ^{ditches} or removal has ceased; and after the same has been so replaced or when such drain or back ditch is completed the owner or occupier of such land or premises shall maintain such wall or fence, drain or back ditch to the same extent as such owner or occupier might be by law required to do if such ^{Obligation} wall or fence had never been so taken down or removed or ^{of land} such drain or back ditch had always existed. ^{owner} 1906, c. 10, s. 32.

27. Whenever any gravel, stone, earth, sand or water is ^{Sidings,} taken as aforesaid at a distance from the public work the ^{conduits} minister may cause to be laid down the necessary sidings, ^{or tracks} water pipes or conduits or tracks over or through any land intervening between the public work and the land on which such material or water is found whatever the distance is; and all the provisions of this Act shall apply and may be used and exercised to obtain the right of way from the public work to the land on which such materials are situate; and such right ^{Right of} of way may be acquired for a term of years or permanently ^{way} as the minister thinks proper; and the powers in this section contained may at all times be exercised and used in all respects after the public work is constructed for the purpose of repairing and maintaining the same. 1906, c. 10, s. 33.

28. Lands taken for any public work shall be surveyed ^{Survey} and marked on the ground by a duly qualified surveyor who ^{and plan} shall prepare a proper plan of the same; but nothing herein contained shall be taken to require such plan to be prepared before or at the time of the entry or taking possession of such lands as in the last preceding section provided for.

(2) Every person who interrupts, hinders or molests any person while engaged under authority of the minister in removing any obstruction, making an examination for or in constructing, maintaining or repairing any public work or any works connected therewith or any land after the survey thereof has been approved by the minister shall be guilty of an offence

and upon summary conviction thereof liable to a penalty not exceeding \$50 and costs or to imprisonment for a period not exceeding thirty days or to both. 1906, c. 10, s. 34.

Plan to be
approved
by chief
engineer

29. The plans of any lands required for any public work shall be examined and approved by the chief engineer; and one copy thereof shall thereupon be filed in the department. 1906, c. 10, s. 35.

Application
to judge
for vesting
order

30. The minister may thereupon apply *ex parte* to a judge of the supreme court for an order vesting in his Majesty every estate and interest in the lands shown on the plan in the last preceding section mentioned; and the judge shall upon the production to him of a copy of the said plan certified by the minister or chief engineer and a certificate of the minister stating that the said lands are required for the purposes of this Act make the said order which shall have the effect of divesting all persons other than his Majesty of any interest in the said land:

Provided that the right and title to all mines and minerals which may be found to exist under such land shall continue to be vested in the said owner and his assigns; and the said Act shall be construed as though the said proviso had always been contained therein. 1906, c. 10, s. 36, *amended*.

Suppres-
sion of
resistance
to minister

31. If any resistance or opposition is made by any person to the taking by the minister or any person authorised by him of lands for public works as provided by this Act a judge of the supreme court may on proof of the proper taking of such lands as herein provided issue his warrant to the sheriff of the judicial district within which such lands are situated directing him to put down such resistance or opposition and to put the minister or some person acting for him in possession of such lands; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and shall put the minister or the person acting for him in possession thereof; and shall forthwith make a return to the supreme court of such warrant and of the manner in which he executed the same. 1906, c. 10, s. 43.

Opening of
road on
petition and
payment of
expenses

32. If any one or more persons petition the minister for the opening of a road through any land and the minister is of the opinion that such road may be reasonably opened for the convenience and benefit of such person or persons afore-said but that such road is not required in the interest of the public generally the minister may require the said person or persons to deposit with the provincial treasurer such sum as he considers sufficient to cover the cost of opening the road and paying compensation in connection therewith and if the said road or any road which in the opinion of the minister will

be of equal or nearly equal convenience and benefit to such person or persons as aforesaid is thereafter opened the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith and any balance which remains shall be repaid to such person or persons as aforesaid. 1906, c. 10, s. 63.

33. Upon the filing in the department of the plan of any land taken for any public work as hereinbefore provided the minister shall except in cases hereinafter provided for cause to be served by ordinary process of mail upon all persons shown by the records of the land titles office to be interested in the lands so taken a notice setting forth the compensation which he is ready to pay for the lands so taken: Notice of compensation

Provided that when compensation is claimed by two or more persons who are unable to agree as to a division thereof the minister may pay the same to the clerk of the supreme court nearest to the land affected to be paid out to the parties interested in such proportions as may be ordered by a judge of the supreme court on application therefor. 1906, c. 10, s. 37. Proviso

34. If any person entitled to compensation for lands taken for any public work is dissatisfied with the amount offered therefor as herein provided he shall within one month from the date of the notice provided in the next preceding section notify the minister in writing of such dissatisfaction and shall in such notice state the amount he claims as compensation for the lands so taken together with a full statement of the facts in support of his claim and in the event of no such claim for increased compensation being received by the minister within the said period the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in the next preceding section hereof. 1906, c. 10, s. 38. Claim for increased compensation

35. The minister shall consider such claim for increased compensation and shall notify the claimant of his decision in respect thereto by registered letter addressed to the claimant's last known place of abode: Compensation fixed by arbitration in case of disagreement

(2) Such claimant if dissatisfied with the decision of the minister may within sixty days after being notified as aforesaid of the decision of the minister give notice in writing to the minister which may be by registered letter that he will submit the claim to arbitration and the claim shall thereupon be submitted by the minister to arbitration and such arbitration shall be by one arbitrator who shall be the judge of the district court of the judicial district in which the public work or any part thereof is or is to be situated and all the provisions of *The Arbitration Ordinance* shall apply to such arbitration;

if for any reason such judge is unable to act the attorney general shall name any district court judge to act as such arbitrator.

(3) If the claimant does not so notify the minister and make the deposit as in the next following subsection required within the said period of sixty days from the registration of the notice in the next preceding subsection mentioned he shall be deemed to have accepted the minister's decision and shall not thereafter be at liberty to question it.

(4) The claimant shall with the notice of submission to arbitration deposit with the minister as security for the costs of the arbitration a sum equal to ten per cent. of the amount claimed by him but in any event not less than \$25.

(5) All costs and expenses of the arbitration shall be paid by the claimant unless the arbitrator shall award him a sum at least ten per cent. greater than the amount fixed by the minister by his final decision and the minister shall be entitled to deduct his costs and expenses of the arbitration out of the moneys deposited by the claimant and the surplus, if any, shall be returned to the claimant.

(6) In the event of the claimant not being required to pay the minister's costs of the arbitration the full amount deposited by him shall be returned to him.

(7) The only costs allowable upon any arbitration under this section shall be arbitrator's and witness fees.

(8) In estimating the amount to which the claimant is entitled the arbitrator shall consider and find separately as to the following:

- (a) The value of the land taken and all improvements thereon;
- (b) Damage, if any, to the remaining property of the claimant;
- (c) The original cost only of any extra fencing which may be necessary by reason of the taking of the land, cost of fencing to be computed at the rate of \$150 per mile;
- (d) If the value of the remaining property of the claimant is increased by reason of the construction of the public work through his property or by the extension of the same in either direction or by the construction of any other public work in connection therewith the increase of value shall be deducted from the amount so estimated and found and the balance, if any, shall be the amount awarded to the claimant. 1906, c. 10, s. 39; 1908, c. 12, ss. 1, 2 and 3.

36. The provisions of sections 25, 26, 27, 28, 29, 30, 33, 34 and 35 of this Act in so far as they are applicable shall apply to all cases of the taking of lands for public works proceedings for which have been begun before the coming into force of this Act, but have not been completed by the transfer of such lands to his Majesty. 1906, c. 10, s. 44.

PUBLIC FERRIES.

37. The minister may when he deems it expedient to do so establish and maintain a public ferry or ferries on any river, stream or other body of water in the province; and may operate such ferry or ferries as a public work collecting such tolls as he may fix and determine. 1906, c. 10, s. 46.

PRIVATE FERRIES.

38. The minister may from time to time issue an annual license to any person or persons for the establishment and operation of a private ferry or ferries on any river, stream or other body of water in the province granting the exclusive right to maintain and operate the said ferry or ferries within the limits specified in such license and upon such terms as he may deem fit. 1906, c. 10, s. 47.

39. Every ferry license granted shall specify the maximum rate of tolls which may be charged on such ferry, the kind and size of the scow, barge or boat to be used in such ferrying, the limits of the river, stream or other body of water within which such ferry is to be operated and the hours during which such ferries shall be operated. 1906, c. 10, s. 48.

40. Every person holding a license for a ferry shall keep it posted up at all times in a conspicuous place on such ferry. 1906, c. 10, s. 49.

41. Notwithstanding anything contained in this Act no toll shall be charged for children going to or returning from school and in no case shall his Majesty's mail be obstructed or a higher rate be charged for the conveyance thereof than the rates that may be charged according to the terms of the license between the hours of six o'clock in the morning and nine o'clock in the evening. 1906, c. 10, s. 50.

42. If any person using an authorised ferry refuses to pay the authorised toll or rates chargeable for ferrying him or his property the licensee of such ferry may forthwith seize any property in possession of the offender then being ferried and hold the same; and such person shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$50 and in default of payment thereof

to imprisonment for a period not exceeding two months; and the property so seized shall be liable for the payment of the fine and the toll and the costs of the prosecution and may be sold under distress warrant to satisfy such charges. 1906, c. 10, s. 51.

Approaches
to ferry to
be kept
in order

43. The immediate approaches to every ferry shall be kept in such order and condition by the licensee as is necessary to make the ferry accessible at all times for loaded vehicles and animals attached thereto without danger or injury. 1906, c. 10, s. 52.

Ferry not
to injure
ford

44. A ferry on any stream, river or other body of water that may be fordable at any time shall not be used to block up or injure such ford or fords or the landing therefrom; nor shall the licensee do any act which will make the ford on any such stream, river or other body of water more difficult or dangerous than it otherwise would have been. 1906, c. 10, s. 53.

Punishment
for inter-
ference
with rights
of licensed
ferryman

45. Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limits of any such ferry license across the stream, river or other body of water on which the same is situate any person or personal property or any vehicle or animal in any scow, barge or boat or any raft or other contrivance for hire or reward or hindering or interfering with such licensee in any way shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100 for each such offence and in default of payment thereof to imprisonment for any period not exceeding three months. 1906, c. 10, s. 54.

PROVISIONS FOR LOW WATER.

Licensee to
provide
small boat
or canoe

46. In case the water in any stream, river or other body of water in respect of which the license for the operation of a ferry has been issued becomes too shallow to permit of such ferry being operated the licensee shall provide and keep a small boat or canoe with which he shall transfer foot passengers and their baggage across such stream, river or other body of water; and for such service the licensee shall be allowed to charge the fees prescribed in his license for like services by means of the ferry. 1906, c. 10, s. 55.

INSPECTION OF FERRIES.

Inspection
of ferries

47. The minister may from time to time appoint such person as he may see fit to inspect and report on the condition of any ferry or with reference to the complaint of any person using or desiring to use such ferry; and if at any time the

person or persons holding a ferry license fail to comply with the written instructions of the minister by neglecting to repair any scow, barge or boat used in connection with such ferry or to provide a new scow, barge or boat in place of any one considered as being unsafe or by not providing safe and sufficient immediate approaches to such ferry he or they shall forfeit his or their licenses. 1906, c. 10, s. 56.

PENALTIES FOR OFFENCES BY LICENSEES.

48. Any licensee who violates any of the terms or conditions of his license or of this Act shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$50 and in default of payment thereof to imprisonment for a period not exceeding one month unless the fine and costs are sooner paid; and shall be further liable to forfeit his license under the direction of the minister. 1906, c. 10, s. 57.

Penalty for
violating
terms of
license
or Act

49. All money received for ferry licenses, fees or bonuses under this Act shall be deposited to the credit of the general revenue fund of the province. 1906, c. 10, s. 58.

Fees to be
paid to
general
revenue
fund

50. Any person operating a private ferry without having first obtained a license therefor as provided by this Act shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine of \$10 for each and every day upon which such ferry is operated without such license. 1906, c. 10, s. 59.

Penalty for
unlicensed
ferry

PROTECTION OF PUBLIC WORKS.

51. Any person who obstructs or interferes in any manner with any road allowance or other surveyed highway vested in his Majesty as herein provided shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding \$50 or to imprisonment for thirty days or to both. 1906, c. 10, s. 60.

Penalty for
obstructing
public
highway

52. Any person who unlawfully breaks, cuts, fills up or otherwise injures any public work shall be guilty of an offence and upon summary conviction thereof be fined a sum not exceeding \$100 and costs and in default of payment after conviction to imprisonment for a period not exceeding sixty days; and the justice of the peace may further order the offender to forthwith repair any such damage or remove any obstruction as aforesaid. 1906, c. 10, s. 61 (1).

Penalty for
injuring
public
work

53. Any person who rides or drives any horse, mule or cattle upon or across any bridge the property of his Majesty at a pace faster than a walk shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25. 1906, c. 10, s. 61 (2).

Traffic on
bridges

Obstructing
bridges

54. Any person who wilfully and without lawful excuse places any obstruction on any bridge the property of his Majesty or who in any way prevents, hinders or causes delay to any person desiring to travel across such bridge shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$50. 1906, c. 10, s. 61 (3).

Use of
bridges,
etc., by
engines

55. Every person who uses any bridge or culvert the property of his Majesty in connection with the movement of any portable engine or any traction engine by whatsoever power moved shall provide sufficient planks or timbers the aggregate width of which shall equal the full width of the two rear wheels; such planks or timbers shall be not less than three inches in thickness, not less than ten inches in width and not less than twelve feet in length and shall be laid across such bridge or culvert upon the floor thereof in the direction of the course of such portable engine or traction engine and under the wheels thereof to the extent of the full width thereof and shall be kept thereunder continuously during the passage of such portable engine or traction engine over such bridge or culvert.

Penalty

(2) Any person who violates the provisions of this section shall be liable on summary conviction thereof to a penalty of not less than \$50 nor more than \$500. 1906, c. 10, s. 61 (4), *amended*.

CONTRACTS.

Minister
may enter
into
contract

56. The minister shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Act of the Legislature; but no deeds, contracts in writing or writings shall hereafter be deemed to be binding on the department nor shall be held to be the acts of the minister unless signed by him or by the deputy minister. 1906, c. 10, s. 16.

Tenders to
be invited

57. It shall be the duty of the minister to invite tenders by public advertisement or by other public notice for the construction and repair of all public works except in cases when from the nature of the work it can be more expeditiously and economically executed by order or commission or by or under the direction of the officers of the department. 1906, c. 10, s. 17.

Exceptions

Security for
performance
of contracts
Where
contracts
not let to
the lowest
bidder

58. The minister when any public work is being carried out by contract and in other cases may require that security be given to and in the name of his Majesty for the due performance of the work within the amount of time specified for its completion; and in all cases where it seems to the minister not to be expedient to let such work to the lowest bidder it shall be his duty to report the same and obtain the authority of the Lieutenant Governor in Council previous to passing by such lowest tender; but no sum of money shall be paid to the con-

tractor nor shall any work be commenced on any contract until the contract has been signed by all the parties named therein nor until any security required has been given. 1906, c. 10, s. 18.

59. All contracts respecting any public works or property (real or personal) under control of the department heretofore or hereafter entered into by the minister or by any other person duly authorised to enter into the same shall inure to the benefit of his Majesty and may be enforced as if they had been entered into with his Majesty under the authority of this Act. 1906, c. 10, s. 19.

Contract to inure to his Majesty

60. All actions, suits and other proceedings for the enforcement of any contract or for the recovery of any damages for any sort of breach of contract or for the trial of any right in respect of any property (real or personal) under the control of the department shall be instituted in the name of his Majesty by the attorney general. 1906, c. 10, s. 20.

Actions to be instituted by attorney general

VERIFICATION OF ACCOUNTS.

61. The minister may require any account sent in by any person employed by the department to be verified by oath, affirmation or statutory declaration which as well as that to be taken by any witness may be administered or taken by the minister or by the deputy minister. 1906, c. 10, s. 10.

Accounts may be verified by oath

EVIDENCE OF RECORDS, ETC.

62. Copies of any records, documents, plans, books or papers belonging to or deposited in the department attested under the signature of the minister or of the deputy minister shall be *prima facie* evidence of the same and shall have the same legal effect as the original in any court or elsewhere. 1906, c. 10, s. 21.

Copies of records, etc., when attested to be prima facie evidence

63. The Lieutenant Governor in Council may appoint one or more competent persons as official valuers and may define the duties of such officers and fix the remuneration to be paid them for their services. 1906, c. 10, s. 41.

Official valuers

64. The minister may employ any official valuator to inspect and report regarding the value of any lands taken for public works and may empower such valuator to make an offer of compensation to the owner of the lands so taken and such offer shall have the same force and effect as if made by the minister under the provisions of section 33 of this Act. 1906, c. 10, s. 42.

Inspection and report

ANNUAL REPORT OF THE DEPARTMENT.

Annual
report

65. The minister shall make and submit to the Lieutenant Governor an annual report on all the works under the control of the department to be laid before the Legislative Assembly within ten days from the commencement of the session next following the end of the year for which such report is made with such further information as may be requisite to enable the Legislative Assembly to judge of the working of the department. 1906, c. 10, s. 22.

Lieutenant
Governor
to prescribe
forms

66. The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act. 1906, c. 10, s. 64.

Repeal

67. *The Public Works Act* and all amendments thereto are repealed.

✓ 1909

CHAPTER 10

An Act for the Protection of Persons employed in Factories.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Factories Act.*"

Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the expression:

1. "Factory" means:

"Factory"

- (a) Any building, workshop, structure or premises of the description mentioned in schedule A to this Act together with such other building, structure or premises as the Lieutenant Governor in Council may from time to time add to the said schedule; and the Lieutenant Governor in Council may from time to time by proclamation notice of which shall be published in *The Saskatchewan Gazette* add to or remove from the said schedule such description of premises as he deems necessary or proper;
- (b) Any premises, building, workshop, structure, room or place wherein or within the precincts of which steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound or is used to aid the manufacturing process carried on therein;
- (c) Any premises, building, workshop, structure, room or place wherein the employer of the persons working therein has the right of access or control and in which or within the precincts of which any manual labour is exercised by way of trade or for the purposes of gain in or incidental to the following purposes or any

of them, that is to say: the making of any article or part of any article; the altering, repairing, ornamenting or finishing of any article; or the adapting for sale of any article:

Provided that where not more than five persons are employed in any place coming within the foregoing definition of a factory or that where children, youths, young girls or women are employed at home, that is to say in a private house, place or room used as a dwelling wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on therein and wherein the only persons employed are members of the same family dwelling therein the provisions of this Act shall not apply;

(i) A part of a factory may for the purposes of this Act be taken to be a separate factory; and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act;

(ii) Where a place situate within the close or precincts forming a factory is used solely for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory for the purposes of this Act but shall if otherwise it would be a factory be deemed to be a separate factory and be regulated accordingly;

(iii) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air;

(iv) Where any owner, tenant or occupier of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof lets or hires out or contracts for work or labour to be done therein by any person and such other person engages or employs therein any workman, child, youth, young girl or woman in or for the carrying out or performing of such work or labour or any part thereof every such workman, child, youth, young girl or woman shall for all the purposes of this Act be deemed to be in the service and employment of such owner, tenant or occupier and in computing the number of persons employed in any place in order to ascertain whether such place is a factory every such workman, child, youth, young girl or woman shall be taken into account;

Mode of
estimating
persons
employed

"Minister"

2. "Minister" means the member of the Executive Council who may be entrusted by the Lieutenant Governor in Council with the administration of this Act;

3. "Inspector" means any one of the inspectors appointed "Inspector" by order of the Lieutenant Governor in Council under the authority and for enforcing the provisions of this Act;

4. "Employer" means any person who in his own behalf or "Employer" as the manager, superintendent, overseer or agent for any person, firm, company or corporation has charge of any factory and employs persons therein;

5. "Week" means the period between midnight on Sunday "Week" night and midnight on the succeeding Saturday night;

6. "Child" means a person under the age of fourteen years; "Child"

7. "Youth" means a male person of the age of fourteen "Youth" years and under the age of sixteen years;

8. "Young girl" means a female person of the age of four- "Young girl" teen years and under the age of eighteen years;

9. "Woman" means a female person of eighteen years of "Woman" age and upwards;

10. "Parent" means a parent or guardian of or a person "Parent" having the legal custody of or the control over or having direct benefit from the wages of a child, youth or young girl;

11. "Court" or "court of summary jurisdiction" means "Court" or the justices of the peace or police magistrate, as the case may "court of summary be, to whom jurisdiction is given by this Act to hear and juris- determine prosecutions under this Act; diction"

12. "Mill gearing" comprehends every shaft whether "Mill upright, oblique or horizontal and every wheel, drum or pulley gearing" by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process;

13. "Night" or "night time" means the interval between "Night," nine o'clock in the afternoon and six o'clock in the forenoon "night time," of the following day; and "day" or "day time" means the "day," interval between six o'clock in the forenoon and nine o'clock "day time" in the afternoon of the same day.

3. No child shall be employed in any factory.

Child
not to be
employed

4. The Lieutenant Governor in Council may from time to time by order in council notice of which shall be published in *The Saskatchewan Gazette* prohibit the employment of youths and young girls in factories the work in which is deemed by the Lieutenant Governor in Council to be dangerous or unwholesome.

Prohibiting
employment
of youths
and young
girls

5. Any person found in a factory except during meal hours or while all the machinery of the factory is stopped or when present for the sole purpose of bringing food to any person employed in the factory shall until the contrary is proved be deemed for the purposes of this Act to have been then employed in the factory.

Evidence
as to
employment
and age

(2) Yards, playgrounds and places open to the public view, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be any part of the factory within the meaning of this section.

(3) Where any person is in the opinion of the court apparently of the age alleged by the informant it shall lie on the defendant to prove that such person is not of that age.

Child,
youth,
young girl
or woman
who does
any work
in factory
to be
deemed
employed
in factory

6. A child, youth, young girl or woman who works in a factory whether for wages or not either in a manufacturing process or handicraft or in cleaning any part of the factory used for any manufacturing process or handicraft or in cleaning or oiling any part of the machinery or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein shall save as is otherwise provided by this Act be deemed to be employed in such factory within the meaning of this Act; and for the purposes of this Act an apprentice shall be deemed to work for hire.

Female
employees—
regulation
as to mode
of wearing
hair

(2) Young girls and women in factories shall during working hours wear their hair rolled or plaited and fastened securely to their heads or confined in a close fitting cap or net so as to avoid contact with working machines or shafting or material being handled; it shall be the duty of managers, superintendents, foremen and others in charge to see that employees are fully notified of the provisions of this section.

Youth,
young girl
or woman
not to be
employed
where
permanent
injury to
health
likely
When
employment
of youth,
young girl
or woman
shall be
deemed
unlawful

7. It shall be unlawful to employ in a factory any youth, young girl or woman so that the health of such youth, young girl or woman is likely to be permanently injured.

8. No youth, young girl or woman shall be employed in any factory for more than eight hours in any one day and forty-five hours in any one week; the hours of working in any one day shall not be later than half past six o'clock in the afternoon unless a special permit in writing has been obtained from an inspector.

Meal hours

(2) In every factory the employer shall allow every youth, young girl and woman therein employed not less than one hour at noon of each day for meals; but such hour shall not be counted as part of the time herein limited as respects the employment of youths, young girls and women.

Eating
rooms

(3) If an inspector so directs in writing the employer shall not allow any youth, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on; and if the inspector so directs in writing the employer

shall at his own expense provide a suitable room or place in the factory or in connection therewith for the purpose of a dining and eating room for persons employed in the factory.

(4) Any contravention of the provisions of this section is for greater certainty and not so as to restrict the generality of the provisions of section 7 of this Act hereby declared to be an employing within the prohibition contained in the said section 7. Contravention of this section deemed employment endangering health

9. Subject to any regulations which may be made in that behalf by the Lieutenant Governor in Council an inspector: When inspector may grant exemption from foregoing provisions

- (a) Where any accident which prevents the working of any factory happens to the motive power of any machinery; or
- (b) Where from any other occurrence beyond the control of the employer the machinery or any part of the machinery of any factory cannot be regularly worked; or
- (c) Where the customs or exigencies of certain trades require that the youths, young girls or women working in a factory or in certain processes in a factory shall be employed for a longer period than as herein provided;

may on due proof to his satisfaction of such accident, occurrence, custom or exigency of trade grant such exemption from the observance of the foregoing provisions of this Act as will in his judgment fairly and equitably to the proprietors of such factory and to the youths, young girls or women employed therein make up for any loss of labour from such accident or occurrence or meet the requirements of such custom or exigency of trade.

(2) Whenever such exemption is granted:

- (a) No youth, young girl or woman shall be employed before the hour of seven o'clock in the morning or after the hour of ten o'clock in the afternoon; and
- (b) The hours of labour for youths, young girls and women shall not be more than twelve and a half in any one day nor more than seventy-two and a half in any one week; and
- (c) Such exemptions shall not comprise more than thirty-six days in the whole in any year; and in reckoning such period of thirty-six days every day on which any youth, young girl or woman has been employed overtime shall be taken into account; and
- (d) During the continuance of such exemption there shall in addition to the hour for the noon-day meal provided for by section 8 of this Act be allowed to every

youth, young girl or woman so employed in the factory on any day to an hour later than seven o'clock in the afternoon not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon; and

- (e) In every factory with respect to which any such exemption is so granted there shall in compliance with the provisions of section 34 of this Act be affixed a notice specifying the extent and particulars of such exemption.

Particulars
to be
recorded
by employer
in case of
exemption

10. When under the exemptions provided for in this Act any youth, young girl or woman is employed in any factory on any day for a longer period than is allowed under section 8 hereof the duration of such employment shall be daily recorded by the employer in a register which shall be in such form as may be required by any regulations made in that behalf by the Lieutenant Governor in Council.

Notice of
hours of
employment
to be fixed
in factory

11. Notice of the hours between which youths, young girls or women are to be employed in any factory shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant Governor in Council and the form of such notice shall be signed by an inspector and by the employer and shall be hung up during the period affected by such notice in such conspicuous place or places in the factory as the inspector requires.

Cleaning
machinery
while in
motion

12. A young girl shall not be allowed to clean any part of the machinery in a factory while the same is in motion by aid of steam, water or other mechanical power.

(2) A young girl or woman shall not be allowed to clean any mill gearing in a factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

(3) A young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while such machine is in motion by the action of steam, water or other machinery power.

(4) A young girl or woman allowed by an employer to clean or to work in contravention of this section shall be deemed to be employed by him contrary to the provisions of section 7 of this Act.

13.

Conveni-
ences for
employees

- (a) The owner of every factory shall provide a sufficient number and description of privies, earth or water closets and urinals for the employees of such factory,

including separate sets for the use of male and female employees, and shall have separate approaches to the same, the recognised standard being one closet for every twenty-five persons employed in the factory ;

- (b) The owner of every factory shall be held responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition ;
- (c) The owner of every factory shall arrange for a supply of pure drinking water available for each tenant in the factory.

(2) The owner of every factory who for thirty days refuses or neglects to comply with any of the above requirements or conditions after being notified in writing in regard to the same by an inspector shall be deemed to be guilty of a contravention of the provisions of this Act.

14.

- (a) The employer of every factory shall keep the factory in a clean and sanitary condition and free from any effluvia arising from refuse of any kind ; ^{Sanitary regulations}
- (b) The employer of every factory shall keep privies, earth or water closets and urinals in good repair and in a sanitary condition and shall be held responsible for keeping closets separated for male and female employees ;
- (c) The employer of every factory shall heat each compartment used by him and regulate the temperature so as not to be injurious to the health and comfort of the employees and so as to be consistent with the work performed therein, but in no case shall the temperature be less than 60 degrees Fahrenheit unless specially authorised by an inspector in writing ;
- (d) The employer of every factory shall be held responsible for ventilating the factory in such a manner as to keep the air reasonably pure and so as to render harmless so far as reasonably practicable all gases, vapours, dust or other impurities originating in the course of the manufacturing process or handicraft carried on therein that may be injurious to the health ;
- (e) The employer of every factory shall not allow overcrowding while work is carried on therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee ;

- (f) Every inspector shall have power in his discretion to require the employer to provide a sufficient number of spittoons and place the same in different parts of the factory and to keep the same clean;
- (g) In every factory where any process is carried on by which dust is caused to exist and may be inhaled by the workers to an injurious extent if such inhalation can by mechanical means be prevented or partially prevented the inspector may subject to such regulations as may be made in that behalf by the Lieutenant Governor in Council under the provisions of this Act direct that such means shall be provided within a reasonable time by the employer who in such cases shall be bound to provide them;
- (h) The employer of every factory shall provide for employees a supply of wholesome drinking water and proper drinking cups which shall be at least eight feet distant from water closets and urinals.

(2) Where grinding, polishing or buffing is carried on in any shop the preceding paragraph (g) shall apply irrespective of the number of persons employed therein.

(3) The employer of every factory who for thirty days refuses or neglects to comply with any of the above requirements or conditions after being notified in writing in regard to the same by an inspector shall be deemed to be guilty of a contravention of the provisions of this Act.

Persons occupying same premises and employing five or more persons

15. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of this Act and employ in the aggregate five persons or more, no one of such persons employing so many as five each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in section 14 of this Act which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises.

Inspector may take physician, etc., into factory

16. Every inspector may for the purposes of the three next preceding sections take with him into any factory any legally qualified medical practitioner within the meaning of *The Medical Profession Act* or any health officer or sanitary inspector appointed pursuant to *The Public Health Act*.

Prohibition from keeping factory so that safety of persons employed is endangered

17. No person shall keep a factory so that the safety of any person employed therein is endangered or so that the health of any person employed therein is likely to be permanently injured.

18. There shall not be a bed room or sleeping place on the same floor of a building as a shop, bake house or factory. ^{Restrictions as to sleeping places} nor shall there be save with the written consent of an inspector any bed room or sleeping place in the same building as a shop, bake house or factory.

(2) No stable shall be under the same roof as a factory ^{Restrictions as to stables} unless there is between the stable and the factory a sufficient brick or other partition wall approved by an inspector separating one from the other.

19. In every factory:

- (a) All dangerous parts of mill gearing, machinery, vats, ^{Guarding dangerous places} pans, cauldrons, reservoirs, wheel races, flumes, water channels, doors, openings in the floors or walls, bridges and all other like dangerous structures or places shall be so far as practicable securely guarded;
- (b) No machinery other than steam engines shall (if an ^{Machinery in motion not to be cleaned} inspector so directs by written notice) be cleaned while in motion;
- (c) The openings of every hoistway, hatchway and well ^{Regulations as to elevators} hole used for power elevators shall be at each floor including the basement provided with and protected by good and sufficient trap doors or self-acting hatches or by gates closing automatically which gates shall be not less than five feet six inches high and may be in sections if desired; the sides of the shaft on all floors including basement not guarded by gates shall be protected by enclosures at least six feet high approved by an inspector; where the elevator is enclosed in a tower having walls over six inches thick, it may be provided with an extra operating rope outside the tower; in every case the elevator shall be provided with a lock to secure the operating rope; in case of elevators operated by hand power the gates shall be not less than three feet in height and shall be automatic closing gates and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by an inspector; a clearly painted sign marked "dangerous" having letters not less than four inches in height shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside; the top of every elevator platform shall be provided with a guard sufficient to protect the occupants and approved by an inspector;
- (d) All elevator cabs or cars whether used for freight or ^{Securing elevator cabs or cars} passengers shall be provided with some suitable mechanical device to be approved by an inspector

whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery or otherwise howsoever;

Notice
from
inspector
as to
precaution
against
accidents

- (e) Any other particulars which any inspector from time to time considers dangerous and in regard to which he gives notice to that effect to the employer shall likewise so far as practicable be secured or securely guarded;

Inflammable
materials,
storing of

- (f) Inflammable material such as coal oil, petroleum, benzine or naphtha and explosives of all kinds shall be kept stored when not in actual use in a building separated from the other parts of the factory or in a fire proof compartment of the factory approved by an inspector.

Contraven-
tion to be
keeping
factory
unlawfully

- (2) A factory in which there is a contravention of any of the provisions of this section or any of the regulations made for the enforcement of this section shall be deemed to be kept unlawfully within the meaning of section 17 of this Act.

Prevention
of fire

20. In every factory:

- (a) There shall be such means of extinguishing fire as an inspector acting under the regulations made pursuant to the provisions of this Act in that behalf by the Lieutenant Governor in Council, directs in writing;
- (b) The main inside and outside doors shall open outwardly and any door leading to or being the principal or main entrance to the factory or to any tower stairways or fire escapes therein or belonging thereto shall not be bolted, barred or locked at any time during the ordinary and usual working hours in the factory.

Provisions
as to fire
escape
appliances

- (2) The owner of every factory exceeding two storeys in height and where deemed necessary by the minister the owner of every factory over one storey in height shall within six months from the time of the passing of this Act provide the said factory with one or more systems of fire escapes as follows and shall keep the same in good repair:

Fire
escapes

- (a) A sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms of the factory; or
- (b) A sufficient number of iron or other uninflammable fire escapes on the outside of the building, such fire escapes to consist of stairways with railing or, in case the special approval of the minister is given in writing then, of iron ladders and every such stairway or ladder shall be connected with the interior of the

building by iron or tinned doors or windows with iron shutters and shall have suitable landings at every storey including the attic if the attic is occupied as a workroom and the said stairways shall start at a distance of not more than eight feet from the ground or pavement; or

- (c) Any other system or form of fire escape that may be sanctioned under this Act by the Lieutenant Governor in Council on the recommendation of the minister.

(3) A factory in which there is a contravention of any of the provisions of this section shall be deemed to be kept unlawfully within the meaning of section 17 of this Act. Contravention to be unlawfully keeping

21. In case of a fire or accident in any factory occasioning any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident a notice in writing shall be sent to the minister by the employer forthwith after the expiration of the said six days. Notice of accidents to be given to minister

22. In case of an explosion occurring in a factory whether any person is injured thereby or not notice in writing of the fact of such explosion having occurred shall be sent to the minister by the employer within twenty-four hours next after the explosion occurred. Notice of explosion

23. Where in a factory any person is killed from any cause or is injured from any cause in a manner likely to prove fatal notice in writing of the fact shall be sent to the minister by the employer within twenty-four hours next after the occurrence thereof. Notification of death or fatal injury

24. Where in a factory the owner or hirer of a machine or implement moved by steam, water or other mechanical power in or about or in connection with which machine or implement children, youths, young girls or women are employed is some person other than the employer as defined by this Act and such children, youths, young girls or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall so far as respects any offence against this Act which may be committed in relation to such children, youths, young girls or women be deemed to be the employer. Who to be deemed employer of children, etc., in certain cases

25. The provisions of this Act which relate:

- (a) To the cleanliness, the freedom from effluvia or the overcrowding or ventilation of a factory; and

Certain provisions not to apply to private houses

- (b) To youths, young girls and women being during any part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room; and
- (c) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed save and except where such notice is a notice of the name and address of an inspector; and
- (d) To the sending notice of accidents;

shall not apply where persons are employed at home, that is to say, to a private house, room or place which though used as a dwelling might by reason of the work carried on therein be a factory within the meaning of this Act and in which neither steam, water nor other mechanical power is used and in which the only persons employed are members of the same family dwelling therein.

Certain provisions not to apply to factories in which youths, young girls or women are not employed

26. The provisions of this Act which relate:

- (a) To youths, young girls and women being during any part of the times allowed for meals in a factory employed in a factory or being allowed to remain in any room; and
- (b) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of an inspector;

shall not apply to a factory which is conducted on the system of not employing youths or young girls therein and the occupier of which has served on the minister notice of his intention to conduct his factory upon that system.

Notice to be given if system of employment changed

27. Where an employer has given to the minister notice in writing of his intention to conduct his factory on the system of not employing youths or young girls therein the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it and no changes shall be made until the employer has given to the minister notice in writing of his intention to change the system; and until the change a youth or young girl employed in a factory shall be deemed to be employed contrary to the provisions of this Act; a change in the said system shall not be made oftener than once in every three months unless for special cause allowed in writing by the minister.

Act not to apply to persons working only at repairs

28. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory.

29. The Lieutenant Governor in Council may appoint one ^{Appointment} or more inspectors, male or female, and fix their salaries or ^{of} ~~inspectors~~ compensation and appoint their duties.

30. Every inspector shall for the purposes of this Act and ^{Powers of} ~~of~~ ^{inspectors} of enforcing any regulations made under the authority thereof have power to do all or any of the following things, namely:

- (a) To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof when he has reasonable cause to believe that any person is employed therein and to enter by day any place which he has reasonable cause to believe to be a factory;
- (b) To require the production of any register, certificate, notice or document required by this Act to be kept and to inspect, examine and copy the same;
- (c) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (d) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with so far as respects the factory and the persons employed therein;
- (e) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act every person whom he finds in a factory or whom he has reasonable cause to believe to be or to have been within the two next preceding months employed in a factory and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;
- (f) For the purposes of any investigation, inquiry or examination made by him under the authority of this Act to administer an oath to and to summon any person to give evidence;
- (g) To exercise such other powers as may be necessary for carrying this Act into effect.

(2) The employer, his agents and servants shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or the exercise of his powers under this Act in relation to such factory.

(3) Every person who wilfully delays an inspector in the ^{Obstruction} ~~of~~ ^{of} exercise of any power under this section or who fails to comply ^{of} ~~with~~ ^{inspector} with a requisition or summons of an inspector in pursuance of this section or to produce any certificate or document which

he is required by or in pursuance of this section or to produce any certificate or document which he is required by or in pursuance of this Act to produce or who conceals or prevents from appearing before or being examined by an inspector a child, youth, young girl or woman or attempts so to conceal or prevent a child, youth, young girl or woman shall be deemed to obstruct an inspector in the execution of his duties under this Act.

Inspector before entering dwelling without consent of occupier to obtain special authority

31. An inspector before entering in pursuance of the powers conferred by this Act without the consent of the occupier any room or place actually used as a dwelling as well as for a factory shall on an affidavit or statutory declaration of the facts and reasons obtain written authority to do so from the minister or such warrant as is hereinafter mentioned from a justice of the peace or police magistrate.

(2) The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

(3) A justice of the peace or police magistrate if satisfied by an information on oath that there is reasonable cause to suppose that any provision of this Act is contravened in any such room or place as aforesaid may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein but not exceeding one month from the date thereof to enter in pursuance of this Act the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act and the provisions of this Act with respect to obstruction of the inspector shall apply accordingly.

Inspector to be furnished with certificate and to produce same if demanded

32. Every inspector shall be furnished with a formal certificate of his appointment and on applying for admission to a factory shall if required produce to the employer the said certificate.

Notice to be sent to minister by person occupying factory

33. Every person shall within one month after he begins to occupy a factory and in the case of factories existing on the date of the coming into force of this Act within one month after the said date send to the minister a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein and the name of the firm under which the business of the factory is to be carried on.

Registration of certain employed persons

(2) In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Lieutenant Governor in Council in that behalf a register of the youths, young girls and women employed in that factory

and of their employment and of other matters under this Act and shall send to the inspector named in the notice referred to in section 35 of this Act such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

34. Every employer shall cause to be affixed at the entrance of a factory and in such other parts thereof as an inspector directs and to be constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons in the factory: ^{Notices to be affixed in factory}

1. Such notices of the provisions of this Act and of any regulations made thereunder as the minister deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act;

2. A notice of the name and address of an inspector;

3. A notice of the clock, if any, by which the period of employment and times for meals in the factory are regulated;

4. Every other notice and document, if any, required by this Act to be affixed in the factory.

35. A notice of the name and address of an inspector shall in compliance with such directions as an inspector may give under the provisions of section 34 of this Act be affixed in every factory: ^{Notice of name and address of inspector}

36. Any notice, order, requisition, summons and document required or authorised to be served or sent for the purposes of this Act may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent or where that person is an employer within the meaning of this Act by delivering the same or a true copy thereof to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid registered letter and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed if addressed to him at the factory in respect of which he is an employer with the addition of the proper postal address but without naming the person who is the employer. ^{Notices, etc., and mode of service}

OFFENCES AND PENALTIES.

37. Every person who acts in contravention of section 3 or 7 of this Act shall be liable to a penalty not exceeding \$100 ^{Offences against s. 3 or s. 7}

and in default of payment forthwith to imprisonment for a period not exceeding six months or to imprisonment for a period not exceeding six months without the option of a fine.

Offences
against
s. 17 or
s. 27

38. Every person who acts in contravention of section 17 or 27 of this Act shall be liable to a penalty not exceeding \$500 and in default of payment forthwith to imprisonment not exceeding twelve months or to imprisonment for a period not exceeding twelve months without the option of a fine.

Offences
against
ss. 21, 22,
23, 33 and
34

39. Every person who refuses, neglects or omits to comply with any of the provisions of sections 21, 22, 23, 33 or 34 of this Act shall be liable to a penalty of \$30.

Liability
of owner or
proprietor
for
omission to
provide
fire
escapes

40. The owner or proprietor of any factory who refuses, neglects or omits to provide the means of safe exit in case of fire prescribed by section 20 of this Act shall be liable to a penalty not exceeding \$500 and in default of payment forthwith to imprisonment for a period not exceeding twelve months or to imprisonment for a period not exceeding twelve months without the option of a fine.

Penalties
for
obstructing
inspector

41. Where an inspector is obstructed in the execution of his duties under this Act the person so obstructing him shall be liable to a penalty not exceeding \$30; and where an inspector is so obstructed in a factory the employer shall where the offence is committed during the day be liable to a penalty not exceeding \$30 or where the offence is committed at night to a penalty not exceeding \$100.

Penalty in
case of
false
entry

42. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be left or served or sent or who wilfully makes or signs a false declaration under this Act or who knowingly makes use of any such false entry or declaration shall be liable to a penalty not exceeding \$100 and in default of payment forthwith to imprisonment for a period not exceeding six months or to imprisonment for a period not exceeding six months without the option of a fine.

Parent of
child,
youth or
young girl
employed
contrary to
Act liable
to penalty

43. The parent of any child, youth or young girl employed in a factory in contravention of this Act shall unless such employment is without the consent, connivance or wilful default of such parent be guilty of a contravention of this Act and shall be liable to a penalty not exceeding \$50 and in default of payment forthwith to imprisonment for a period not exceeding three months.

Penalty for
contra-
vention of

44. If any of the provisions of this Act or of any of the regulations, rules or orders made by virtue thereof by the

Lieutenant Governor in Council are contravened and no other ^{Act where no express penalty is provided} penalty is herein provided for such contravention the person guilty of such contravention shall be liable to a penalty not exceeding \$50 and in default of payment forthwith to imprisonment not exceeding three months.

45. If a factory is not kept in conformity with this Act ^{Power of court in addition to inflicting fine} the court of summary jurisdiction in addition to or instead of inflicting a fine, penalty or other punishment upon the employer may order certain means to be adopted by the employer within the time named in the order for the purpose of bringing his factory into conformity with this Act; the court may also upon application enlarge the time so named but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with the employer shall be liable to a penalty not exceeding \$10 for every day that such noncompliance continues.

46. Where the employer is charged with an offence against this Act he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if after the commission of the offence ^{Power of employer to exempt himself from fine on conviction of the actual offender} has been proved to the satisfaction of the court the employer proves that he has used due diligence to enforce compliance with the provisions of this Act and that the said other person has committed the offence in question without the knowledge and consent or connivance of him the employer the said other person shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or imprisonment.

47. Where it is made to appear to the satisfaction of an inspector at the time of discovering the offence that the employer has used all due diligence to enforce compliance ^{Inspector to proceed against actual offender} with the provisions of this Act and also by what person such offence was committed and also that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

48. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. ^{Fine on person committing offence for which employer is liable}

49. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, ^{Restraint on cumulative fines}

penalty or punishment than the highest fine, penalty or punishment fixed by this Act for the offence except:

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or

2. Where the offence is one of employing a child, youth, young girl or woman contrary to the provisions of this Act.

PROSECUTIONS.

Prosecutions
and
procedure

50. All prosecutions under this Act shall be heard summarily before any two justices of the peace or a police magistrate.

Limitation
of time and
general
provisions
as to
summary
proceedings
Limitation
of
prosecutions

51. The following provisions shall have effect with respect to prosecutions under this Act:

1. The information shall be laid within two months or where the offence is punishable at discretion by imprisonment within three months after the offence has come to the knowledge of the inspector;

2. It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more;

3. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employing person in the factory is usually known.

Certiorari
taken
away

52. No conviction, judgment or order made in respect of any offence against this Act shall be removed by *certiorari* or otherwise into the supreme court.

Inspectors
may
object to
giving
evidence
in certain
cases

53. Where an inspector is called as a witness he shall be entitled acting by the direction and on behalf of the attorney general to object to giving evidence as to any factory inspected by him in the course of his official duty.

GENERAL.

Report of
minister
to be laid
before
Legislative
Assembly

54. Such annual or other report of the minister as the Lieutenant Governor directs shall be laid before the Legislative Assembly within twenty-one days after the commencement of the session thereof.

Registers
and notices

55. Unless and until otherwise ordered or directed by any regulation in that behalf made by the Lieutenant Governor in Council:

(a) The register mentioned in and required by section 33 of this Act shall so far as the same relates to youths and young girls be according to form A in

schedule B to this Act and so far as the same relates to women be according to form B in the said schedule;

- (b) The register mentioned in and required by section 10 of this Act shall be according to form C in the said schedule;
- (c) On the first page of any register kept by an employer pursuant to this Act or to any rule, order or regulation made in that behalf by the Lieutenant Governor in Council shall be printed the form D in the said schedule or one to the like effect; and the same shall be properly filled up and signed by an inspector and the employer when such register is commenced to be kept;
- (d) Notice of the hours between which youths, young girls or women are to be employed in any factory as required by section 11 of this Act shall be according to form K in the said schedule;
- (e) Notice to the minister under sections 21 to 23 of this Act may be in the form F of the said schedule;
- (f) Notice to the minister under section 26 or 27 of this Act may be according to such of the forms G and H of the said schedule as the case requires; and
- (g) Notice to the minister under section 33 of this Act may be in the form I of the said schedule.

56. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form which he considers applicable to any class of cases for which a form has not been provided in the schedule to this Act. Lieutenant Governor in Council may vary forms, etc.

57. The Lieutenant Governor in Council may from time to time make such regulations not inconsistent with this Act as are necessary for giving effect to its provisions. Lieutenant Governor in Council may make regulations

58. The Lieutenant Governor in Council shall by proclamation published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force. Commencement of Act

SCHEDULE A.

(Section 2.)

Abattoirs.	Envelope factories.
Agricultural implement factories.	Extracts and essential oil factories.
Bakehouses and bakeshops.	Felt factories.
Baking powder and yeast factories.	Flax mills.
Barrel factories.	Foundries.
Bicycle factories.	Fruit dessicating factories.
Biscuit factories.	Furniture factories.
Blanket factories.	Furriers' workshops.
Boiler factories.	Galvanised and pressed iron-work factories.
Bookbinding factories.	Gun and small arm factories.
Boot and shoe factories.	Hair cloth factories.
Box factories.	Hames factories.
Brass foundries.	Harness and leather factories.
Breweries.	Hosiery factories.
Brick factories.	Iron bridge works.
Broom factories.	Jams, jellies and pickle works.
Brush factories.	Jewellery factories.
Canning factories.	Knitting factories.
Car shops.	Knitting machine factories.
Carpet factories.	Laundries.
Carriage factories.	Laundry, bluing and washing crystal factories.
Carriage goods (iron) factories.	Lithographers' workshops.
Carriage woodwork factories.	Locomotive works.
Cartridge factories.	Machine shops.
Cement factories.	Marble works.
Chemical works.	Matting factories.
Cigar factories.	Mattress factories.
Clock factories.	Meat packing establishments.
Clothing factories.	Metallic factories.
Coffin factories.	Millinery shops.
Concentrated egg factories.	Oil refineries.
Confectionery factories.	Ornamental moulding factories.
Coopers' workshops.	Paint works.
Cider factories.	Paper bag factories.
Distilleries.	Paper box factories.
Domestic utensils factories.	Paper and pulp mills.
Dressmaking establishments.	Paraffin factories.
Dress shield factories.	Patent fertiliser factories.
Dye works.	Patent medicine factories.
Edge tool factories.	Picture frame works.
Electric machinery factories.	Planing mills.
Electrotype foundries.	
Elevators (grain).	

Plated metal works.	Soda water factories.
Potteries.	Stained glass factories.
Printing and publishing establishments.	Starch factories.
Pulp factories.	Steel wire factories.
Rag-sorting workshops.	Straw works.
Rolling mills.	Sugar refineries.
Rope works.	Syrup factories.
Saddlery hardware factories.	Tailor Shops.
Safe works.	Tanneries.
Salt drying works.	Tin box factories.
Sash and door factories.	Tobacco factories.
Saw mills.	Trunk factories.
Sewer pipe factories.	Tub and pail factories.
Sewing machine factories.	Type foundries.
Shirt factories.	Vinegar works.
Show case factories.	Waggon and sleigh factories.
Skate works.	Window shade factories.
Soap works.	Woollen factories.

SCHEDULE B.

(Section 55.)

FORM A.

(Sections 33 and 55.)

REGISTER OF YOUTHS AND YOUNG GIRLS EMPLOYED IN THIS FACTORY UNDER THE FACTORIES ACT.

No child may be employed in any factory.

Under *The Factories Act* the expression "child" means a person under the age of fourteen years; "youth" means a male person of the age of fourteen years and under the age of sixteen years; "young girl" means a female person of the age of fourteen years and under the age of eighteen years; "woman" means a female person of eighteen years and upwards; and "parent" means a parent or guardian of or a person having the legal custody of or the control over or having direct benefit from the wages of a child, youth or young girl (paragraphs 6, 7, 8, 9 and 10 of section 2).

Columns 1, 2, 3, 4 and 5 to be filled up by the employer before a youth or young girl is allowed to work.

1	2	3	4	5	6	7
Name of youth or young girl	Name of parent or guardian	Residence of parent or guardian	Date of first employment	Nature of employment	Age of youth or young girl	Remarks
						When a person ceases to be employed insert in this column opposite his or her name "left." When a young girl becomes a woman within the meaning of the Act insert opposite her name the word "Woman."

FORM B.

(Sections 33 and 55.)

REGISTER OF WOMEN OF EIGHTEEN YEARS OF AGE AND UPWARDS EMPLOYED IN THIS FACTORY.

Under *The Factories Act* the expression "child" means a person under the age of fourteen years; "youth" means a male person of the age of fourteen years and under the age of sixteen years; "young girl" means a female person of the age of fourteen years and under the age of eighteen years; "woman" means a female person of eighteen years of age and upwards; and "parent" means a parent or guardian of or a person having the legal custody of or the control over or having direct benefit from the wages of a child, youth or young girl (paragraphs 6, 7, 8, 9 and 10 of section 2).

1	2	3	4	5
Name	Residence	Date of employment	Nature of employment	REMARKS
				When a woman ceases to be employed insert in this column opposite her name "left."

FORM C.

(Sections 10 and 35.)

REGISTER OF THE YOUTHS, YOUNG GIRLS AND WOMEN EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER PERIOD THAN IS ALLOWED BY THE FACTORIES ACT. (See Secs. 9 and 10.)

Dates when employed for a longer period, etc.			Name of youth, young girl or woman so employed	Time of the day when employment began	Time of the day when employment ended	Total of hours employed during day	Nature of employment
Month	Days	Year					

FORM D.

(Section 55.)

The Factories Act.

FACTORY TO WHICH THIS REGISTER APPLIES.

1. Name, if any, of factory
Situat in
Post office to which letters to this factory are to be directed
2. Nature of work carried on
3. Nature and amount of moving power:
 - (a) Steam engine of about indicated horse power,
of which horse power is employed in this
factory.
 - (b) Water wheel of about indicated horse power,
of which horse power is employed in this
factory.
4. Clock
5. Name of the occupier and employer

.....
Signature of occupier or agent.

To the occupier and employer in this factory:

I hereby give you notice that the clock named under heading No. 4 on this page is the clock by which the hours of employment and times allowed for meals in this factory are to be regulated.

Dated this day of , 19 .

.....
Inspector.

FORM E.

(Sections 11 and 35.)

The Factories Act.

NOTICE.

No youth, young girl or woman shall be employed in any factory for more than eight hours in any one day or forty-five hours in any one week unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday. The hours of working in any one day shall not be later than half past six o'clock in the afternoon, unless a special permit in writing has been obtained from an inspector. [Subsection (1) of section 8].

In every factory the employer shall allow every youth, young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of youths, young girls and women. [Subsection (2) of section 8.]

Notice of the hours between which youths, young girls or women are to be employed in any factory shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant Governor in Council and the form of such notice shall be signed by an inspector and by the employer and shall be hung up during the period affected by such notice in such conspicuous place or places in the factory as the inspector requires. (Section 11.)

In accordance with the foregoing provisions of *The Factories Act* it is hereby notified to all concerned that the hours between which youths, young girls and women may be employed in this factory are as follows:

	FORENOON		AFTERNOON		Total hours each day
	Commence at	Stop at	Commence at	Stop at	
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

Total of hours for the week.....

Dated this day of 19 .

.....
Signature of Employer or Agent.

.....
Inspector's signature.

FORM F.

(Sections 21, 22, 23 and 55.)

THE FACTORIES ACT.

To.....:

You are hereby notified pursuant to section 21 (*or as the case may be*) of *The Factories Act*, of the happening of an accident in the factory hereunder mentioned whereof the following are particulars:

1. Name of person injured (*or* killed)
 2. Factory in which accident happened
 3. Date of accident
 4. Age of person injured (*or* killed)
 5. Residing on street in the of
 6. Cause of injury (*or* death)
 7. Extent of injury
 8. Where injured or killed person sent
 9. Remarks
- Dated this day of 19 .

.....
Signature of Employer or Agent.

FORM G.

(Sections 26 and 55.)

THE FACTORIES ACT.

To.....:

Whereas by *The Factories Act* it is in effect enacted that a factory shall not within the meaning of the Act be deemed to be conducted on the system of not employing therein either youths or young girls until the occupier has served on the minister notice of his intention to conduct his factory on that system:

I hereby give notice that it is intended to conduct the factory situated at in the province of Saskatchewan in which is carried on the work following: and of which is the occupier, upon the system of not employing therein either youths or young girls.

Dated this day of 19 .

Occupier or Agent.

FORM H.

(Sections 27 and 55.)

THE FACTORIES ACT.

To.....:

It is intended after the date hereof to discontinue to conduct the factory situated at of which

is the occupier, upon the system of not employing therein either youths or young girls within the meaning of *The Factories Act*.

Dated this day of 19 ..

.....
Occupier or Agent.

FORM I.

(Sections 33 and 55.)

THE FACTORIES ACT.

To.....:

Pursuant to section 33 of *The Factories Act*, I hereby give notice that I have begun to occupy a factory as undermentioned:

Name under which the business is carried on

Name of the factory

Locality of the factory

Address to which letters are to be addressed

Nature of work

Nature and amount of moving power

Dated this day of 19 ..

.....
Occupier or Agent.

✓ 1909

CHAPTER 11

An Act respecting Drainage.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Drainage Act.*"

INTERPRETATION.

Interpreta- 2. In this Act unless the context otherwise requires the
tion expression:

"Minister" 1. "Minister" means the minister of public works for
Saskatchewan;

"Municipal-
ity" 2. "Municipality" means and includes any incorporated
municipality whether a city, town, village or rural municipa-
lity and also a local improvement district;

"Council" 3. "Council" means and includes the council of a municipa-
lity;

"Owner" 4. "Owner" means and includes any person who by any
right, title or estate whatsoever is or is entitled to be in
possession of any land and the executor or administrator of
an owner, the guardian of an infant owner, any person
entitled to sell or convey the land, an agent of an owner under
a general power of attorney or under a power of attorney
empowering him to deal with the land and as regards roads
the municipality within which the same or part thereof is
situated;

"Resident
owner" 5. "Resident owner" means and includes an owner as
herein defined who resides within a distance of ten miles by
the nearest road of the land in question or any part thereof;

"Secretary" 6. "Secretary" means and includes the treasurer of a city
municipality and the secretary or secretary treasurer of a
town, village or rural municipality or of a local improvement
district;

"Land" 7. "Land" means and includes the ground or soil and
everything annexed to it by nature or lying in or under the
soil except mines and minerals (precious or base) belonging to
the Crown;

8. "Drainage work" or "work" means and includes the construction of a drain or drains, the deepening, straightening, widening, cleaning of obstructions or otherwise improving of any stream, creek or watercourse and the lowering of the waters of any lake or pond and the construction of guards necessary in connection therewith;

9. "Sufficient outlet" means the safe discharge of water at a point where it will do no injury to lands or roads;

10. "Construction" means and includes the original work of opening or making any drainage work;

11. "Road" means and includes any road surveyed and set apart as a highway under the provisions of *The North-West Territories Act*, of *The Land Titles Act* or of *The Public Works Act* and any road allowance under *The Dominion Lands Surveys Act*;

12. "Engineer" means a member or associate member of the Canadian Society of Civil Engineers or a surveyor duly qualified to practise in the province of Saskatchewan;

13. "Parcel of land" means and includes a quarter section of land according to the system of surveys under *The Dominion Lands Surveys Act* or any smaller area owned by one person and as regards roads so much of a road as adjoins any one side of a section together with any diversions of the same;

14. "Maintenance" means and includes the preservation of any drainage work and keeping it in repair.

FORMATION OF DRAINAGE DISTRICTS.

3. Upon the petition of the resident owners of at least one-half the area of the lands of resident owners which would be affected by the construction of a drainage work within the area described in the petition otherwise than merely by having an outlet afforded thereby the minister may for the purpose of ascertaining whether the drainage work is required and the probable cost thereof procure an engineer to make an examination of the area to be drained, the stream, creek or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved or the lake or pond the waters of which are to be lowered according to the prayer of the petition.

(2) Such petition may be in form A in the schedule hereto or to the like effect and shall be accompanied by abstracts of title or other evidence satisfactory to the minister showing who are the owners of the lands within the area described in the petition and a statutory declaration verifying the facts set out in such petition and the signatures thereto.

Engineer
to prepare
plans and
estimates

4. Such engineer shall prepare a report, plans, specifications and estimates of the drainage work and make an estimate of the lands and roads within the said area to be affected stating as nearly as may be in his opinion the proportion of the cost of the work to be borne by every parcel of land.

Minister
may return
petition
for
amendments

5. If in the opinion of such engineer lands not within the area described in the petition would be affected by the construction of the proposed work the minister shall return the petition to be amended so as to include such lands; and the petition so amended shall satisfy the requirements of section 3 hereof before any further action is taken thereon.

Minister to
report to
Lieutenant
Governor
in Council

6. Upon receipt of the report of the engineer and of the amended petition if any amendment has been rendered necessary by such report the minister shall report upon the utility and desirability of the said work and submit the same together with the report of the said engineer (which shall have annexed thereto all maps, plans, profiles, estimates as to the cost of construction of the proposed work and all and every other matter or thing affecting the same) to the Lieutenant Governor in Council for determination as to whether the said work shall be undertaken.

Notice of
intention
to
undertake
work

7. If the construction of the proposed work is approved by the Lieutenant Governor in Council the minister shall have power and authority to advertise and shall thereupon publish a notice that it is his intention to undertake the proposed work (describing it) at an estimated cost (to be stated) as a local improvement and to assess and levy the cost thereof against the lands to be benefited thereby (giving a general description thereof and an estimate of the amount to be assessed against each parcel) and such notice shall fix a date not less than seven days after the last publication in *The Saskatchewan Gazette* within which anyone who signed such petition may withdraw therefrom.

(2) Such notice shall be inserted in two successive issues of *The Saskatchewan Gazette* and once a week for at least two successive weeks in two newspapers, one published in the city of Regina and the other to be determined by the minister and a copy of such notice shall be sent by registered letter to the last known address of each resident owner where land will be affected.

Withdrawal
of names
from
petition

8. Any person who has signed a petition under section 3 hereof shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiration of the time limited in the notice referred to in section 7 hereof by serving the minister by registered mail fully prepaid with a notice of withdrawal which may be in form B in the schedule hereto or to the like effect.

9. If the proposed work is not proceeded with on account of a withdrawal or withdrawals from the petition then the persons who signed such petition including those who have withdrawn therefrom shall be chargeable with and liable to the minister for all expenses incurred by the minister by reason of the receipt of such petition including the engineer's remuneration and expenses and cost of advertising in proportion to the respective area of their lands within the area described in the petition and the amount with which such persons are chargeable shall upon notification by the minister to the secretary of the municipality within which the lands are situated be entered upon the assessment roll of such municipality against the lands of the persons so liable and any and all the amounts so entered shall be collected in the same manner in all respects as if they were taxes levied by and due to the municipality and when collected shall be transmitted forthwith to the minister.

Costs in
case of
abandon-
ment

10. After the expiration of the time fixed by such notice unless there have been so many withdrawals on the part of persons signing the petition or amended petition that the petition or amended petition does not apart from the signatures of the persons so withdrawing satisfy the requirements of section 3 hereof the minister shall cause to be prepared and laid before the Lieutenant Governor in Council a statement showing the following facts and in the order named, that is to say:

Statement
by minister
respecting
proposed
work

- (a) The notice of the proposed drainage work and its estimated cost;
- (b) A description of each parcel of land to be benefited by the work with the number of acres to be benefited in each parcel as shown by the engineer's report;
- (c) The total value of the benefit to each of the said parcels of land as shown by the engineer's report;
- (d) The amount that each parcel of land so to be benefited will be liable for and must bear as its share of the cost of the said drainage work which share shall be determined by the minister on the engineer's report as follows:

(2) The total estimated cost shall be divided by the total estimated benefit to ascertain the rate of cost to be assessed and levied on each one dollar of benefit (but it shall not be necessary in such division to carry out or use a smaller fraction than one-tenth of one mill) the value of estimated benefit on each parcel of land shall be multiplied by the said rate of cost and the results shall be set down in a column opposite the said respective parcels of land and such results shall be

respectively the amounts that the said parcels of land shall be liable to pay for the proposed work exclusive of the debenture interest hereinafter mentioned.

11. The Lieutenant Governor in Council shall upon receipt of the statement referred to in section 10 hereof declare the parcels of land to be benefited by the proposed work to be a drainage district and assign thereto a number and every district so organised shall be known as "Drainage District No. (giving number)."

DEBENTURES.

Issue of
debentures

12. Upon the organisation of any drainage district the Lieutenant Governor in Council shall before or at any time during or after the execution of the work required to be done in such district order the issue and negotiation of debentures of such district for the estimated or actual cost of such work and shall fix the time which such debentures shall run which shall be not less than twenty nor more than thirty-five years.

Require-
ments of
debentures

13. All debentures issued under the provisions of this Act shall comply with the following requirements:

1. They shall be in such form and of such denominations as the Lieutenant Governor in Council may determine;

2. They shall bear interest payable annually or semi-annually at a rate not exceeding six per centum per annum;

3. They shall be numbered and shall specify the number of the district on account of which they are issued;

4. They shall have coupons attached providing for the payment of interest which coupons shall be in such form as is approved by the Lieutenant Governor in Council;

5. They shall be made payable either in the currency of the Dominion of Canada or sterling money of Great Britain at any place in Canada or elsewhere; and

Execution
of
debentures

6. They shall be signed by the provincial treasurer and sealed with the seal of the province and the coupons for interest shall bear the signature of the provincial treasurer lithographed or printed thereon.

Debentures
constitute
a lien

14. Every debenture issued under the provisions of this Act and the coupons attached thereto shall be a perpetual lien in favour of the holder thereof upon all lands included in the district upon account of which it has been issued so long as the same or any part thereof remains unpaid:

Provided however that any such debenture and coupons shall not be considered or construed to constitute a lien on any parcel of land within the district to any greater amount than the amount of the benefits assessed against such land pursuant to the provisions of this Act.

15. The provincial treasurer with the approval of the Lieutenant Governor in Council may guarantee the payment of the principal and interest of any debenture issued under the authority of this Act which guarantee shall be indorsed upon the debenture and shall be in such form as may be determined by the Lieutenant Governor in Council; and every debenture so guaranteed shall constitute a charge upon the general revenues of the province until the principal and interest thereof are fully paid.

16. In the case of every debenture guaranteed as provided in the next preceding section it is hereby declared that such debenture with the coupons attached thereto shall constitute a perpetual lien in favour of the provincial treasurer upon the land in the drainage district on account of which it was issued so long as the same or any part thereof remains unpaid:

Provided however that any such debenture and coupons for interest shall not be considered or construed to constitute a lien on any parcel of land within the district to any greater amount than the amount of the benefits assessed against such land pursuant to the provisions of this Act.

17. The provincial treasurer shall open a special account in the books of his office to be called "Debenture account of drainage district No. (*giving number*)" to which shall be credited the total amount received from the sale of any debenture aforesaid.

18. Subject to the approval of the Lieutenant Governor in Council the provincial treasurer may invest from time to time in such drainage debentures any surplus of the general revenues of the province or any funds of the province which by any Act are made available for this purpose or for the purpose of drainage works as provided by this Act.

19. Any debenture issued under the authority of this Act and bearing the seal of the province and signature of the provincial treasurer shall not be questioned and shall be deemed valid to all intents and purposes whatsoever.

20. The minister shall upon undertaking the performance of any work under the provisions of this Act prepare or cause to be prepared copies of the statement mentioned in section 10 of this Act adding thereto columns showing the total proportionate amounts necessary to be levied and collected annually from each of the parcels of land therein mentioned in order to pay the interest upon the debentures as the same shall become due and payable and to provide a sinking fund for the redemption of the said debentures at maturity, basing such calculation upon the extent of the benefits to each parcel

to be benefited by the proposed work as set forth in section 10 of this Act, one of which copies shall be forwarded to the treasurer of each municipality (in case there may be more than one) in which the work or portion thereof is situated and another copy shall be filed in the land titles office for the land registration district in which such lands or any portion thereof lie.

Lieutenant Governor in Council may provide that sinking fund shall not be levied during first five years after issue of debentures

(2) The Lieutenant Governor in Council may if deemed advisable vary the provisions of this section by providing that the sinking fund necessary for the redemption of the debentures at maturity shall not be levied or collected during the first five years next after the date of issue of the debentures or for any less period in which case the statement to be prepared shall be varied accordingly but the whole sinking fund shall be levied and collected during the remainder of the period during which such debentures run.

Entry of levy in assessment roll

21. The amount necessary to be collected for the purpose of paying the interest for the first year on the debentures issued and to provide the annual sinking fund as set forth in the statement aforesaid shall be entered by the secretary of the municipality in which any of the said lands lie upon the assessment roll for the current year; and it shall be the duty of such treasurer to notify the owner of each parcel of land of the amount which each owner of such parcel is liable to pay.

Levy to be entered annually

22. Thereafter annually until the debentures issued shall have been fully paid and satisfied the secretary of the municipality in which the said lands lie shall enter in a separate column against the said parcels of land the amount which the said parcels of land are required to pay as shown by the statement aforesaid.

Amounts collected to be remitted to provincial treasurer

23. The secretary of a municipality having the collection of any assessments made under the authority of this Act shall from time to time remit the same to the provincial treasurer who shall credit the same to the aforesaid accounts (designating the number of the drainage district on account of which such payments shall be made) distinguishing between interest and sinking fund:

Provided however that all amounts received shall be credited to interest account until there shall be sufficient to the credit of such account to pay the current year's interest on the outstanding debentures; it shall however be discretionary with the provincial treasurer to temporarily transfer to the credit of the interest account any sum that shall be to the credit of the sinking fund account in order to pay promptly any interest maturing or past due on said debentures.

24. Where it is desired to construct a drainage work through lands not within any municipality the minister of municipal affairs shall with respect to such lands have and exercise all the powers and duties hereby vested in or devolving upon the council and secretary with respect to lands within a municipality.

25. The amounts entered by the secretary of a municipality upon the assessment roll of the municipality against any parcel of land under the provisions of the three last preceding sections shall have the same force and effect and be collectible in the same manner as other taxes levied in the municipality and shall be liable and subject to the penalties provided in case of nonpayment of taxes within the time limited for the payment thereof.

THE PUBLIC WORKS ACT TO APPLY.

26. The work shall be proceeded with and completed in the same manner as other public works of the province are undertaken and performed and for the purpose aforesaid it is hereby declared that all the provisions of *The Public Works Act* shall be applicable to all intents and purposes as if the said work was being performed thereunder and all payments with respect to any work performed under the provisions of this Act shall be made by the provincial treasurer upon the submission of properly certified vouchers.

ALTERATION OF PLANS.

27. For the purpose of doing and performing any work under the provisions of this Act the minister may for the better carrying out thereof vary or alter the preliminary plans, drawings and profiles of the said work either at the inception of the work or at any time during its prosecution; and such variation or alteration in the manner of performance of the said work shall in no wise violate, annul or render abortive the organisation and extent of the drainage district or have the effect of absolving and freeing the lands therein from the payment of the special drainage tax theretofore provided to be paid by such lands.

ASSESSMENT.

28. The lands and roads lying outside the drainage district and belonging to any municipality, company or individual using any drainage work as an outlet or for which when the work is constructed and improved outlet is thereby provided either directly or through the medium of another private work or any works constructed under *The Private Ditches*

Act may be charged for the construction of the drainage work so used as an outlet or for providing an improved outlet to the extent of the benefit accruing to such municipality, company or individual as may be determined by the minister.

Unaccrued
levies
not an
incumbrance
as between
vendor and
purchaser

29. Unaccrued assessments and levies under this Act shall not be deemed to be an incumbrance as between vendor and purchaser.

OBSTRUCTIONS.

Removal of
obstructions

30. When any drainage work becomes obstructed by dams, bridges, fences, washouts or other obstructions caused by the owner or the person in possession of the lands where such obstruction occurs so that the free flow of water is impeded thereby the person or persons owning or occupying such land shall upon reasonable notice in writing given by the council or the secretary of the municipality remove such obstructions in any manner caused as aforesaid and if not so removed within the time specified in the notice the council shall forthwith cause the same to be removed.

Penalty for
injury
of works

31. Any person or persons who shall wilfully or intentionally obstruct, fill up or injure any ditch, drain, creek or watercourse constructed under the provisions of this Act or wilfully or intentionally cut, destroy or injure any dyke or other drainage or reclamation work connected therewith shall upon complaint of the council of the municipality be liable to put such drain, ditch, creek, watercourse or dyke in repair and shall upon summary conviction thereof be liable to a penalty not exceeding \$200.

Cost
thereof

32. If the cost of removing such obstruction is not paid by such owner or occupant to the municipality forthwith after the completion of the work the council may pay the same and the secretary of the municipality shall place or cause to be placed such amount upon the assessment roll against the said lands with ten per cent. added thereto and the same shall be collected in the same manner as other taxes.

Allowance
for
obstructions
removed

33. Whenever in the course of any drainage work any dam or artificial obstruction exists in the course of or below the work the minister may upon the payment of such amount as may be agreed upon or determined remove the same either in whole or in part and any amount so paid shall be deemed to be part of the cost of construction of the original work.

Clearing
road
allowance

34. When it is necessary to construct any drainage work on or along a road allowance the minister may cause to be close-chopped or grubbed and cleared not less than twelve feet of the middle of the road allowance (if required) and spread thereon the earth taken from the work and shall charge the cost of so doing as part of the cost of the drainage work.

35. If at any time after the completion of any drainage work it is found necessary to use such works as an outlet for any subsequent work done either under this Act or under *The Private Ditches Act* the land benefited by such subsequent drain shall be assessed for an amount in proportion to the benefit to be derived; and if by reason of such additional area being drained the said work requires enlarging or improving the amount so assessed shall be applied to such enlargement or improvement, but if the drain does not require enlargement or improvement the amount may be placed as a credit to the land first assessed in proportion to the rate of such first assessment.

EXTENSION OF WORKS.

36. In the performance of any drainage work under the provisions of this Act the minister shall have the power if necessity requires it of continuing the work outside of a drainage district for the purpose of carrying off the water by a proper channel or outlet and such work shall be considered to be a part of the cost of such drainage work.

37. Whenever it is required to continue any drainage work beyond the limits of any drainage district the minister may continue the same on or along or across any road allowance and from any such road allowance into or through any municipality until a sufficient outlet is reached.

38. The council of any municipality or municipalities whose duty it is to maintain any drainage work for which only lands within the jurisdiction of such municipality or municipalities are assessed may after the completion of the drainage work upon a *pro rata* assessment on the particular lands within the drainage district benefited as last assessed for the construction of the drainage work deepen, widen or extend the same provided the cost of such deepening, widening or extending does not in any one year exceed the sum of five hundred dollars and in every case where the cost would exceed that sum the proceedings to be taken shall be as hereinafter provided.

39. Whenever for the better maintenance of any drainage work constructed under the provisions of this Act or to prevent damage to any lands or roads it shall be deemed expedient to change the course of such drainage work or to make a new outlet for the whole or any portion of the work or to otherwise improve, extend or alter the work the minister may upon the petition of the municipality or the joint petition of the municipalities whose duty it is to maintain and keep the said drainage work in repair and without any other preliminary requirements other than a report of an engineer appointed by him

to examine and report upon the same undertake and complete the change of course, new outlet, improvement, extension or alteration of such drainage work; and for the purpose aforesaid the minister shall have all the powers to assess and charge the lands in his opinion benefited in the same manner, to the same extent and by the same proceedings as provided for in this Act.

INCORPORATION OF OTHER WORKS.

40. The minister may incorporate in whole or in part into the general drainage work being done or continued in any district under the provisions of this Act any other drainage work done in the district since its organisation as such or that is being done by any person, company or corporation and in any such event he may allow to such person, company or corporation the value of such other work to the extent that in his opinion it shall contribute to the value of the general work; and payment of the value so fixed shall be made as if the same were received under the provisions thereof.

CONSTRUCTION OF BRIDGES, ROADS, ETC.

Construc-
tion, etc., of
bridges
and culverts

41. The minister may:

- (a) Authorise the construction, enlargement or other improvement of any bridges or culverts throughout the course of any such drainage work rendered necessary by such work crossing any public highway or the travelled portion thereof; and
- (b) Authorise the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion of any public road or highway; and
- (c) Provide for the construction or enlargement of bridges rendered necessary for the drainage work upon the lands of any owner and may fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto.

MAINTENANCE OF WORKS.

Mainten-
ance of
drainage
work
wholly
within one
municipality

42. Where a drainage work does not extend beyond the limits of one municipality such drainage work shall be maintained and kept in repair by such municipality in the manner provided for in this Act.

Mainten-
ance of
inter-
municipal
drainage
works

43. Any drainage work constructed under the provisions of this Act which is commenced in one municipality and continued thence into any other municipality or municipalities

shall after the completion thereof be maintained by the former municipality from the point of commencement thereof to a point at which the drainage work crosses the boundary line into another municipality and by every other municipality in like manner through or into which the drainage work is continued at the expense of the lands in any way assessed for the construction thereof and in the proportion determined by the minister in his report and assessment for the original construction of the work; and for the purpose of collecting the cost of such maintenance each and every municipality undertaking any work of maintenance shall upon completion thereof forward to the minister properly certified accounts showing the total cost of the work done; and the minister shall prior to the next annual assessment apportion the cost of such maintenance against the lands to be assessed therefor and shall notify the secretary of the municipality or municipalities concerned of such apportionment; and such municipality or municipalities shall have all the powers and authority for the levying and collection thereof as provided for the levying and collection of ordinary municipal rates:

Provided that if the total cost of maintenance in any one year exceeds five per centum of the original cost of the drainage work debentures may be issued for the cost of such maintenance and all the provisions of this Act respecting debentures for the cost of construction shall apply to such debentures for the cost of maintenance.

DAMAGES.

44. The minister may consider and award the payment of any damages that may be occasioned by the performance of any work under the provisions of this Act and any damages so paid shall be considered as part and parcel of the cost of such work.

45. In settling the amount of damages with the owners of any lands all the provisions of *The Public Works Act* in respect to compensation shall apply.

46. The minister shall determine in what manner the material taken from any drainage work shall be disposed of and the amount to be paid to the respective persons entitled to damages occasioned thereby.

RELIEF DRAINAGE WORK.

47. If from the doing of any drainage work water is caused to flow upon and injure lands or roads outside the drainage district the construction of all drainage work required for relieving the lands or roads injuriously affected may be undertaken by the minister as part of the general work.

Certain
payments
to be
charged to
district

.48. Payments made by the minister under the provisions of sections 28, 40, 41, 45 or 47 of this Act shall be deemed to be expenditures on account of the drainage district within which or on account of which such work is performed.

Treasurer
of municip-
ality
subject to
dismissal
and
prosecution
for
disobeying
certain
provisions
of Act

49. For the purpose of complying with the provisions of sections 22, 23 or 24 of this Act the secretary of the municipality or municipalities, as the case may be, shall be the officer of the minister and as such shall be bound to comply with his directions and in case of default he may by order of the Lieutenant Governor in Council be dismissed from office and in addition upon the complaint of the minister or the provincial treasurer he shall be liable upon summary conviction before a justice of the peace to a fine of not more than \$100 and costs of prosecution or to imprisonment for any term not exceeding six months or in default of payment of such fine and costs to imprisonment for any term not exceeding six months.

LANDS NOT LIABLE FOR DRAINAGE TAXES.

Lands
liable to
special tax

50. All lands within any drainage district established under the provisions of this Act shall be liable for any special tax levied thereunder; if however from any cause any such land cannot legally be subjected to the special tax the amount thereof shall be deducted and rateably distributed between the lands liable and collected in the annual levies from the lands so liable upon the principle of apportionment hereinbefore provided.

Assessment
of land
not
taxable
when work
performed

51. In case it appears that any land in a drainage district is not liable for taxation at the time of the performance of the aforesaid work but afterwards during the currency of the debentures it becomes liable to taxation the municipality may assess such lands for an amount to be approved by the minister.

Act to
apply to
works
already or
now being
constructed

52. The provisions of this Act so far as applicable may be extended to apply to all drainage works heretofore constructed or now being constructed by the department of public works.

Supple-
mentary
Orders in
Council

53. The Lieutenant Governor in Council may supplement any of the provisions of this Act with such other provisions not inconsistent with this Act as may be deemed necessary to provide for the convenient operation of this Act.

PENALTIES.

Penalty for
removing
posts, etc.,
on drainage
works

54. Any person who shall wilfully remove, deface, cut down, destroy or in any way interfere with any posts, signs or other indications on or upon any drainage works placed thereupon by the engineer in charge of the works or by any other person by his direction for the purpose of denoting lines or levels or for

other purposes in connection with the said works shall be liable upon summary conviction before a justice of the peace to a fine of not less than \$5 nor more than \$100 and costs of prosecution or to imprisonment for any term not exceeding six months or in default of payment of such fine and costs to imprisonment for any term not exceeding six months.

55. Any person who shall wilfully obstruct, fill or dam up, cut, injure or destroy or in any other manner impair the usefulness of any provincial, municipal or other public ditch or watercourse constructed for the purpose of drainage or for protection against overflow or who shall wilfully destroy or injure an embankment of any such drain, ditch or watercourse or any drainage work connected therewith shall upon summary conviction before a justice of the peace be liable to a fine of not less than \$5 nor more than \$50 and costs and in default of payment of such fine and costs to imprisonment for not less than one week nor more than two months.

Penalty for
injury to
drains or
water-
courses

SCHEDULE.

FORM A.

[Section 3 (2).]

PETITION FOR DRAINAGE WORK.

To the Honourable the Minister of Public Works:

The petition of the undersigned resident owners of at least one-half of the area of the lands of resident owners to be benefited by the work herein prayed for otherwise than merely by having an outlet afforded thereby

Humbly sheweth:

Your petitioners request that the area of land situate in the Province of Saskatchewan and described as follows: (*Here give description of land to be included in drainage district*) may be drained by means of:

1. A drain or drains.
2. Deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse known as (*here give name or other general description*).
3. Lowering the water of lake or the pond or slough on (*describe land on which situate or by any or all of the said means*).

The following are the names of the resident owners of land within the said described area and the lands respectively owned by them (*name and address of resident owners*) (*description of land owned*).

And your petitioners will ever pray.

Dated at _____ in the Province of Saskatchewan
this _____ day of _____ 19 ____.

Signature of petitioners	Address	Witness

FORM B.

(Section 8.)

NOTICE OF WITHDRAWAL OF NAME FROM PETITION.

To the Honourable the Minister of Public Works,
Regina, Sask.

I, _____ resident owner of (*here describe land*) hereby withdraw my name from the petition for a drainage work in the area in which the said land is included.

.....
Signature.

Witness:

.....

/ 1909

CHAPTER 12

An Act respecting the Construction and Maintenance of Small Ditches by the Owners of Lands to be benefited.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Private Ditches Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the expression: <sup>Interpreta-
tion</sup>

1. "Municipality" means and includes any incorporated municipality whether a city, town, village or rural municipality and also a local improvement district;

2. "Council" means and includes the council of a municipality;

3. "Secretary" means and includes the treasurer of a city municipality and the secretary or secretary treasurer of a town, village or rural municipality or of a local improvement district;

4. "Engineer" means a member or associate member of the Canadian Society of Civil Engineers or a surveyor duly qualified to practise in Saskatchewan;

5. "Ditch" means and includes a drain open or covered wholly or in part whether in the channel of a natural stream, creek or watercourse or not and also the work and material necessary for bridges, culverts, catch basins and guards;

6. "Construction" means and includes the original opening or making of a ditch by artificial means;

7. "Maintenance" means and includes the preservation of a ditch and keeping it in repair;

8. "Nonresident" means and includes a person who does not reside within the municipality in which his lands affected by proceedings under this Act are situate;

- "Owner"** 9. "Owner" means and includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land and the executor or administrator of an owner, the guardian of an infant owner, any person entitled to sell or convey the land, an agent of an owner under a general power of attorney or under a power of attorney empowering him to deal with the land and as regards roads the municipality within which the same is situate;
- "Road"** 10. "Road" means and includes any road surveyed and set apart as a highway under the provisions of *The North-West Territories Act*, *The Public Works Act* or *The Land Titles Act* and any road allowance under *The Dominion Lands Surveys Act*;
- "Sufficient outlet"** 11. "Sufficient outlet" means and includes the safe discharge of water at a point where it will do no injury to lands or roads;
- "Court"** 12. "Court" means the district court of the judicial district within which the lands in respect of which proceedings under this Act are taken are wholly or mainly situate;
- "Judge"** 13. "Judge" means a judge of the court;
- "Initiating municipality"** 14. "Initiating municipality" means the municipality within which is situate the land of an owner commencing proceedings under this Act;
- "Minister"** 15. "Minister" means the minister of public works of Saskatchewan;
- "Form"** 16. "Form" means a form in the schedule to this Act.
- Extent of work** 3. Every ditch to be constructed under this Act shall be continued to a sufficient outlet but shall not pass through or into more than ten original quarter sections exclusive of any part thereof on or across any road allowance unless the council of the municipality upon the petition of a majority of the owners of all the lands to be affected by the ditch passes a resolution authorising the extension thereof through or into any other quarter sections within such municipality; and upon the passing of such resolution the proposed ditch may be extended in pursuance of such resolution but subject always to the provisions of subsection (2) of this section.
- Limit of cost** (2) No ditch the whole cost whereof according to the estimate of the engineer or the agreement of the parties will exceed \$2,000 shall be constructed under the provisions of this Act.
- What lands to be liable for construction** 4. The lands, the owners of which may be made liable for the construction of a ditch under this Act shall be those lying within a distance of one mile from the sides and point of commencement of the ditch.

5. Any owner other than the municipality shall before commencing proceedings under this Act file with the secretary of the municipality in which the parcel of land requiring the ditch is situate a declaration of ownership thereof in the form A which may be taken before a justice of the peace, a commissioner for taking affidavits or the secretary of the municipality.

(2) Before a municipality commences proceedings under this Act its council shall pass a resolution to the effect that such proceedings be commenced.

(3) In case of omission to file such declaration through inadvertence or mistake at the time aforesaid the judge may in case of such ownership at the said time permit the same to be filed at any stage of the proceedings upon such terms and conditions as he may impose or direct.

(4) Where a declaration of ownership has been filed under the provisions of this Act or such resolution passed by council such declaration or resolution shall be conclusive as conferring jurisdiction to proceed unless appealed against to the judge under the provisions of this Act.

6. The owner of any parcel of land who requires the construction of a ditch thereon shall before filing with the secretary of the municipality the requisition provided for by section 11 of this Act serve upon the owners or occupants of the other lands to be affected a notice in writing in the form B signed by him and naming therein a day and hour and also a place convenient to the site of the ditch at which all the owners shall meet and estimate the cost of the ditch and agree if possible upon the apportionment of the work and supply of material for construction among the several owners according to their respective interests therein and settle the proportions in which the ditch shall be maintained; and the notices shall be served not less than twelve clear days before the time named therein for meeting.

7. If an agreement is arrived at by the owners as in the next preceding section is provided it shall be reduced to writing in the form C and signed by all the owners and shall within twelve days after the signing thereof be filed with the secretary of the municipality in which the parcel of land the owner of which requires the ditch is situate; but if the lands affected lie in two or more municipalities the agreement shall be in as many numbers as there are municipalities and filed as aforesaid with their respective secretaries; and the agreement may be enforced in the like manner as an award of the engineer as hereinafter provided.

8. No proceedings taken or agreement made and entered into under the provisions of sections 6 and 7 of this Act shall in any case for want of strict compliance with such provisions

be void or invalidate any subsequent proceedings under this Act provided the notices required by section 6 of this Act have been duly served; and any such agreement may with the consent in writing of the parties thereto (which consent shall be filed in the same manner as the agreement) or by order of the court or of the judge on an appeal under this Act be amended so as to cause the same to conform to the provisions of this Act.

Adjourning
meeting for
purpose of
adding
parties

9. If at or before the meeting of owners provided for in section 7 of this Act it appears that any notice required by section 6 has not been duly served the owners present at such meeting shall adjourn the same to some subsequent day in order to allow the necessary notices to be duly served; and such adjourned meeting shall if such notices have been given and served as provided by section 6 be a sufficient compliance with the provisions of this Act.

Chief
executive
officer
to sign on
behalf of
municipality
Interested

10. The chief executive officer of the municipality shall have power on behalf of the municipality to sign the agreement aforesaid and his signature shall be binding upon the municipality.

Requisition
for
appointment
by engineer
when no
agreement
arrived at

11. In case an agreement as aforesaid is not arrived at by the owners at the said meeting or within six days thereafter then the owner requiring the ditch may file with the secretary of the municipality in which such parcel is situate a requisition in the form D naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof and requesting that an engineer to be appointed by the municipality under this Act be asked to appoint a time and place in the locality of the proposed ditch at which the said engineer will attend to make an examination as hereinafter provided.

Appoint-
ment of
engineer

12. Upon receipt of such requisition in the form D the council shall name and appoint one person to be an engineer to carry out the provisions of this Act and such engineer shall be and continue an officer of the municipality until his appointment is revoked and another engineer is appointed in his stead, who shall have authority to commence proceedings under this Act or to continue such work as may have been already undertaken.

Fees of
clerk and
engineer

(2) The council when necessity requires shall provide for payment to the secretary of a fair and reasonable remuneration for services performed by him in carrying out the provisions of this Act and shall fix the charges to be made by the engineer of the municipality for services performed by him under this Act and such charges shall not exceed \$15 per day and legitimate expenses.

(3) Every engineer appointed under this Act shall before ^{Oath} entering upon his duties take and subscribe the oath or affirmation in the form E and shall file the same with the secretary.

13. The secretary upon receiving the requisition shall forthwith ^{Notice to} with enclose a copy thereof in a registered letter to the engineer ^{engineer and notice} and on receipt of the same by the engineer he shall notify the ^{of} secretary in writing appointing a time and place at which he ^{appointment} will attend in answer to the requisition and on receipt of the ^{made by} notice of appointment from the engineer the secretary shall ^{engineer} file the same with the requisition and shall forthwith send by registered letter a copy of the notice of appointment to the owner making the requisition who shall at least ten days before the time so appointed serve upon the other owners named in the requisition a notice in the form F requiring their attendance at the time and place fixed by the engineer and shall after serving such notice indorse on one copy thereof the time and manner of service and leave the same with the indorsements thereon with the engineer not later than the day before the time fixed in the notice of appointment.

14. Notices under the provisions of this Act shall be served ^{Mode of} personally or by leaving the same at the place of abode of the ^{serving} owner or occupant with some person residing thereat ^{notices} apparently or actually over the age of sixteen years and in case of nonresidents then upon the agent of the owner or by registered letter addressed to the owner at the post office address shown by the records of the proper land titles office or in case of the owner of unpatented land by the records of the proper Dominion lands office.

(2) Any occupant not the owner of the land notified in the manner provided by this Act shall immediately notify the owner thereof and shall if he neglects to do so be liable for all damages suffered by such owner by reason of such neglect.

(3) Whenever an owner serves any notice required by this Act he shall keep a record showing the names of the parties served and the time, place and manner of service and shall if required so to do by a judge or the secretary make an affidavit proving such service.

15. The engineer shall attend at the time and place ^{Duties of} appointed by him in answer to the requisition and shall ^{the} examine the locality and if he deems it proper or if requested ^{engineer} by any of the owners may examine the owners and their witnesses present and take their evidence and may administer an oath or affirmation to any owner or witness examined by him; if upon examining the locality the engineer is of opinion that the lands of owners upon whom notice has not been served will be affected by the ditch he shall direct that the notice required by section 13 hereof shall be served on

such owners by the owner making the requisition and shall adjourn the proceedings to the day named in the notice for continuing the same for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence.

(2) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall within thirty days after his first attendance make his award in writing in the form G specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable each owner shall maintain the portion on his own land and stating the amount of his fees including the estimated cost of his inspection after the time has expired for the construction of the ditch according to his award and the other charges and by whom the same shall be paid.

(3) In making his award the engineer shall consider direct benefit only to the lands affected.

(4) The period prescribed for the engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the board of railway commissioners for Canada where such approval is necessary.

(5) In any case where a ditch is to be covered the engineer shall in his award specify the kind of material to be used in the covered portion of such ditch.

Engineer
may order
opening of
ditch
across
land of a
person not
benefited

16. Should the engineer be of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof and that it is necessary or not, as the case may be, to construct the ditch across or into his land he may by his award relieve such owner from performing any part of the work of the ditch and place its construction on the other owners and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be considered a trespasser while causing no unnecessary damage and he shall replace any fences opened or removed by him; and the owner so relieved may claim compensation for damage done to his land by the construction of the ditch; and the engineer shall award such damages as he deems reasonable and shall state the amount thereof in the award.

17. The engineer shall forthwith after making his award as hereinbefore provided file the same and a plan, profile and specifications of the ditch in duplicate with the secretary of the initiating municipality but should the lands affected lie in two or more municipalities then the engineer shall file with the said secretary as many additional copies of the award, plan, profile and specifications as there are other municipalities affected and the secretary of the initiating municipality shall forward a copy to the secretary of each municipality affected; such award, plan, profile or specifications may be given as evidence in any legal proceedings by certified copy as are other official documents and the secretary of the municipality or of each of the municipalities shall forthwith upon the filing of the award notify each of the persons affected thereby within the municipality of which he is secretary by registered letter or personal service of the filing of the same and the portion of work to be done and material furnished by the person notified as shown by the award; and the secretary shall keep a book in which he shall record the names of the parties to whom he has sent notices, the address to which the same was sent and the date upon which the same was deposited in the post office or personally served.

(2) The secretary of the initiating municipality shall forthwith forward one copy of the award, plan, profile and specifications to the minister to be filed in his department.

18. If the lands affected by the ditch are situate in two or more municipalities the engineer of the initiating municipality shall have full power and authority to continue the ditch into or through so much of the lands in any other municipality as may be found necessary but within the limits hereinbefore provided; and all proceedings authorised under the provisions of this Act shall be taken and carried on in the municipality where commenced.

19. In every case where lands or roads in two or more municipalities are affected the secretary of the initiating municipality shall forward to the secretary of each of the other municipalities a certified copy of every certificate affecting or relating to lands or roads therein respectively and the council thereof shall pay the sum for which lands and roads within its limits are liable to the treasurer of the initiating municipality and unless the amounts are paid within twelve days after demand in writing by the parties declared by the certificate liable to pay the same such council shall have power to take all proceedings for the collection of the sums so certified to be paid as though all the proceedings had been taken and carried on within its own limits.

Culverts,
etc., on
railway
lands

20. The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any ditch or culvert on the lands of such railway company and for the payment of the cost of such work after completion out of the general funds of the municipality and the council shall have power to assess and levy the amount so paid exclusive of any part thereof for which the municipality may be liable under the award as to the cost of the work in the same manner as taxes are levied upon the lands mentioned in the award and in the relative proportion of the estimated cost of the work to be done and materials furnished by the respective owners in the construction of such ditch; and such assessment shall in every case be determined by a supplementary award made by the engineer and shall be subject to appeal to the judge in the same manner as other awards made under this Act.

(2) No agreement with a railway company shall be entered into by a council under this section which will impose a special liability on the owners without the consent in writing filed with the secretary of the municipality of two-thirds of the owners liable for the construction of the ditch in respect to which such work on railway lands is to be undertaken.

(3) The cost of any such work on railway lands shall be exclusive of the sum fixed as the limit of the cost of the work imposed by section 3 of this Act.

Appeals
from
award to
judge

21. Any owner dissatisfied with the award of the engineer and affected thereby may within twelve clear days after the date of the mailing or service of the last of the notices of the filing of the award as provided in section 17 hereof appeal therefrom to the judge and the proceedings on the appeal shall be as hereinafter provided.

Notice of
appeal

(2) The appellants shall serve upon the secretary of the initiating municipality a notice in writing of his intention to appeal from the award shortly setting forth therein the grounds of appeal.

Clerk to
notify
judge and
judge to
fix time
and place
for hearing

(3) The secretary in the next preceding subsection mentioned shall after the expiration of the time for appeal forward by registered letter or delivery a copy of the notice or notices of appeal and a certified copy of the award and also the plans, profiles and specifications to the judge who shall forthwith upon the receipt of the registered letter or documents aforesaid notify the secretary of the time he appoints for the hearing thereof and shall fix the place of hearing at the city, town or village nearest to the ditch unless the judge for the greater convenience of the parties and to save expense fixes some other place for the hearing; the judge may if he thinks proper

order such sum of money to be paid by the appellant or appellants to the said secretary as will be a sufficient indemnity against costs of the appeal; and the secretary upon receiving notice from the judge shall forthwith notify the engineer whose award is appealed against and all parties interested in the manner provided for the service of notices under this Act.

(4) Any appellant may have the lands and premises inspected by any other engineer or person who for such purposes may enter upon such lands and premises but shall do no unnecessary damage. Inspection of premises by another engineer

(5) The secretary of the municipality to whom notice of appeal is given shall be the clerk of the court and shall record the proceedings. Clerk of the court

(6) It shall be the duty of the judge to hear and determine the appeal or appeals within two months after receiving notice thereof from the secretary of the municipality as hereinbefore provided or within such further period as the judge on hearing the parties may decide to be necessary in order to allow proper inspection of the premises to be made as authorised by the next following subsection. Judge to hear and determine within two months

(7) The judge may set aside, alter or affirm the award and correct any errors therein; he may examine parties and witnesses on oath and may inspect the premises and may require the engineer to accompany him; and should the award be affirmed or altered the costs of appeal shall be in his discretion and if set aside he shall have power to provide for the payment of the costs in the award mentioned and also the costs of appeal and may order the payment thereof by the parties to the award or any of them as to him may seem just and may fix the amount of such costs. Powers of judge on appeal

(8) The judge shall be entitled to charge for holding court for the trial of appeals under this Act and for the inspection of the premises the sum of five dollars a day which charge shall be considered part of the costs of appeal under the provisions of the next preceding subsection. Fees and disbursements of judge

(9) The award so altered or affirmed shall be certified by the secretary together with the costs ordered and by whom to be paid and shall be enforced in the same manner as the award of the engineer and the time for the performance of its requirements shall be computed from the date of such judgment in appeal; and the secretary shall immediately after the hearing send by registered letter to the secretary of any other municipality in which lands affected by the ditch are situate a certified copy of the changes made in the award by the judge which copy shall be filed with the award; and each secretary shall forthwith by registered letter notify every owner within the municipality of any change made by the judge in the portion of work and material assigned to such owner. Enforcement of award as amended

Judge may
amend or
refer
back award

22. No award made by an engineer under this Act shall be set aside by the judge for want of form only or on account of want of strict compliance with the provisions of this Act and the judge shall have power to amend the award or other proceedings and may in any case refer back the award to the engineer with such directions as may be necessary to carry out the provisions of this Act.

When
award to
be binding
notwith-
standing
defects

23. Every award made under the provisions of this Act shall after the lapse of the time hereinbefore limited for appeal to the judge and after the determination of appeals, if any, by him where the award is affirmed be valid and binding to all intents and purposes notwithstanding any defects in form or substance either in the award or in any of the proceedings relating to the works to be done thereunder taken under the provisions of this Act.

Powers of
judge as to
taking
evidence

24. In all appeals under this Act from the engineer's award the judge shall possess all such powers for compelling the attendance of and for the examination on oath of all parties and other persons as belong to or might be exercised by him in the district court.

Clerk may
issue
subpoenas

25. Upon an appeal to a judge under this Act the secretary of the municipality shall have the like powers as the clerk of a district court as to the issuing of subpoenas to witnesses upon the application of any party to the proceedings or upon an order of the judge for the attendance of any person as a witness before him.

Fees

(2) The fees to be allowed to witnesses upon an appeal under this Act shall be upon the scale of fees allowed to witnesses in any action in the district court.

Municipalities
to pay
costs, etc.,
and collect
same from
persons
liable

26. The municipality or each of the municipalities shall within twelve days after the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer and the judge and all other persons entitled to the same their charges and fees or the portion thereof awarded or adjudged to be paid by the owners therein and shall if the same are not forthwith repaid by the persons awarded or adjudged to pay the same cause the amount with ten per centum added thereto to be placed upon the tax roll or assessment roll in cases where the assessment roll is also the tax roll as a charge against the lands of the persons so in default and the same shall thereupon become a charge upon such lands and shall be collected in the same manner as taxes.

Letting
work on
non-
compliance
with award

27. The engineer at the expiration of the time limited by the award for the completion of the ditch shall inspect the same and if he finds the ditch or any part thereof not com-

pleted in accordance with the award he may let the work and supply of material to the lowest bidder who shall give security to be approved by the engineer in favour of the municipality by which he was appointed for the due performance thereof within a limited time; but no such letting shall take place:

- (a) Until notice in writing of the intended letting has been posted up in at least three conspicuous places in the neighbourhood of the place at which the work is to be done for ten clear days; and
- (b) Until the expiration of twelve days after the sending of the notice by registered letter as provided in section 14 hereof to nonresidents interested in the said award.

(2) If however the engineer is satisfied of the good faith of the person failing in the performance of the award and there is good reason for the nonperformance thereof he may in his discretion and upon payment of the fees and charges extend the time for performance. Extension of time for compliance

(3) Any owner in default of supplying the material and doing the work after proceedings are begun to let the same shall be liable for the fees and expenses occasioned by his default and the same shall form a charge on his land and if not paid by him on notice the council shall pay the same on the certificate of the engineer and shall cause the amount with ten per centum added thereto to be placed on the tax roll or assessment roll in cases where the assessment roll is also the tax roll against the lands of the person in default to be collected in the same manner as other taxes. Liability of person in default of doing work after proceedings began

(4) The engineer may let the work and supply of material or any part thereof by the award directed a second time or oftener if it becomes necessary in order to secure its performance and completion.

28. The engineer shall after receipt of notice in writing of the supplying of material and completion of the work let as in the next preceding section mentioned inspect the same and shall if he finds the material furnished and the work completed certify the same in writing in the form H stating the name of the contractor, the amount payable to him, the fees and charges to which the engineer is entitled for his services rendered necessary by reason of the nonperformance and by whom the same are to be paid. Certificates of engineer upon completion of work let

29. The council shall at its meeting held next after the filing of the certificate or certificates as in the next preceding section mentioned pay the sums therein set forth to the persons therein named; and unless the owners within the municipality upon notice pay the sums for which they are thereby made liable the council shall have power to cause the amount for Payment of amounts named in certificates of engineer

which each owner is liable together with ten per centum added thereto to be placed upon the tax roll or assessment roll in cases where the assessment roll is also the tax roll and the same shall thereupon become a charge against the lands of such owners respectively and shall be collected in the same manner as other taxes.

Letting
contracts
for heavy
work

30. If it appears to the engineer that heavy work is required the engineer may cause the same to be done by letting it out to public competition by tender or otherwise instead of requiring each owner benefited to do his share of the work and the engineer shall by his award determine the fractional part of the whole cost thereof which shall be paid by each of the owners benefited and upon completion of such heavy work shall certify to the secretary of the municipality by which he was appointed the total cost thereof including his fees and charges and the said secretary and the secretary of any other municipality affected shall notify each of the owners liable to contribute under the award within their respective municipalities of the said total cost and the part to be paid by him, and unless forthwith paid the same with ten per centum added thereto shall be placed on the tax roll or assessment roll in cases where the assessment roll is also the tax roll of the municipality in which his lands are situate and the same shall thereupon become a charge against the land of each owner so liable and shall be collected in the same manner as other taxes.

Payment of
contractor
and
engineer

(2) It shall be the duty of the initiating municipality through the treasurer thereof to pay the contractor for such heavy work as soon as done to the satisfaction and upon the certificates of the engineer and also to pay the fees and charges of the engineer in connection therewith.

Owners
desiring
to avail
themselves
of ditch
after
construction

31. In case any owner during or after the construction of a ditch desires to avail himself of such ditch for the purpose of draining lands other than those contemplated by the original proceedings he may avail himself of the provisions of this Act as if he were an owner requiring the construction of a ditch; but no owner shall make use of such ditch after construction unless under an agreement or award pursuant to the provisions of this Act.

Deepening,
widening
or covering
ditch

32. This Act shall apply to the extension, deepening, widening or covering of any ditch already or hereafter constructed no matter by whom or when or under what authority and the proceedings to be taken for procuring such extension, deepening, widening or covering shall be the same as the proceedings to be taken for the construction of a ditch under the provisions of this Act; but in no case shall a ditch be covered unless it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it as well as for the water from all the lands made liable for the construction thereof.

33. The maintenance of any ditch, whether covered or open or of any creek or watercourse that has been deepened or widened under any authority in that behalf or constructed, deepened, widened or covered under the provisions of this Act shall be performed by the respective owners in such proportion as is provided in the original or any subsequent award and the manner of enforcing the same shall be as hereinafter provided.

34. If any owner whose duty it is to maintain any portion of a ditch neglects to maintain the same in the manner provided by the award any of the owners, parties to the award, whose lands are affected by the ditch may in writing notify the owner making default to have his portion put in repair within ten days from the receipt of such notice and if the repairs are not made and completed within such ten days the owner giving the notice in writing may request the council to have the portion complained of inspected by an engineer.

(2) The inspection by the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as hereinbefore provided in case of noncompletion of the construction of a ditch but should the engineer find no cause of complaint he shall certify the same with the amount of his fees and charges to the owner who complained and also to the secretary of the municipality and the owner who made complaint shall pay the fees and charges of the engineer and if not forthwith paid by him the same shall be charged and collected in the same manner as is provided for by this Act in the case of other certificates of the engineer.

35. Any owner interested in or affected by any ditch heretofore constructed or hereafter constructed otherwise than under this Act may take proceedings for the deepening, widening, extending, covering or repairing of such ditch in the same manner as for the construction of a ditch under this Act:

Provided always that the extent of the work and costs thereof and assessment therefor shall not exceed the limitations imposed by sections 3 and 4 of this Act.

36. Any owner party to the award whose lands are affected by a ditch whether constructed under this Act or any other authority in that behalf may at any time after the expiration of two years from the completion of the construction thereof or in case of a covered drain at any time after the expiration of one year take proceedings for the reconsideration of the agreement or award under which it was constructed and in every such case he shall take the same proceedings and in the same form and manner as are hereinbefore provided in the case of the construction of a ditch:

Provided that in case any ditch after its construction proves insufficient for the purposes for which it was constructed so as

Proviso to cause an overflow of water upon any lands along the said ditch and cause damage to the same any owner party to the award may at any time after the expiration of six months from the completion of the ditch take proceedings as aforesaid for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect.

**Actions for
mandamus,
etc.,
not to lie**

37. No action, suit or other proceeding shall lie or be had or taken for a *mandamus* or other order to enforce or compel the performance of an award or completion of a ditch made under this Act but the same shall be enforced in the manner provided for by this Act.

Use of forms

38. In carrying into effect the provisions of this Act the forms set forth in the schedule hereto may be used and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule.

Application to works in unorganised territory

39. Where it is desired to construct a ditch through lands not included in a municipality an owner may commence proceedings under this Act by filing with the minister the declaration of ownership referred to in section 5 hereof and in such case or in case a ditch commenced in a municipality is to be extended into or through lands not included in any municipality the minister shall with respect to such lands have all the powers and perform all the duties invested in or devolving upon a council or secretary with respect to lands in a municipality and all the provisions of this Act shall *mutatis mutandis* apply to work in such unorganised territory.

SCHEDULE.

FORM A.

(Section 5.)

DECLARATION OF OWNERSHIP.

In the matter of *The Private Ditches Act* and in the matter of
a ditch in township in range west of the
meridian in the Province of Saskatchewan.

I _____ of _____ in the
Province of Saskatchewan _____ do solemnly declare
and affirm that I am the owner within the meaning of *The*
Private Ditches Act of the _____ quarter (or as the case
may be) of section _____ in township
in range _____ west of the _____ meridian, in the

Province of Saskatchewan, being (*describe the nature of ownership*).

Solemnly declared and affirmed before
me at _____ in
the Province of Saskatchewan this
day of _____
19

.....
A Commissioner for Oaths, J.P. or
Secretary of Municipality.

FORM B.

(Section 6.)

NOTICE TO OWNERS OF LANDS AFFECTED BY PROPOSED DITCH.

.....Sask,.....19...
To
Sir,—

I am within the meaning of *The Private Ditches Act* the owner of the _____ quarter (*or as the case may be*) of section _____ in township _____ in range _____ west of the _____ meridian in the Province of Saskatchewan and as such owner I require a ditch to be constructed (*or if for reconsideration of agreement or award to deepen, widen or otherwise improve the ditch state the object*) for the draining of my land under the said Act. The following other lands will be affected (*here set out the other parcels of land and the name of the owner in each case, also each road and the municipality within which it is situated*).

I hereby require that you as owner of the said (*describe his land*) will attend at (*state place of meeting*) on the _____ day of _____ 19____ at the hour of _____ o'clock in the _____ noon with the object of agreeing if possible on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Yours, etc.

.....
Name of owner.

FORM C.

(Section 7.)

AGREEMENT OF OWNERS.

.....Sask,.....19...
Whereas it is found necessary that a ditch should be constructed (*or deepened, or widened, or otherwise improved*)

under the provisions of *The Private Ditches Act* for the draining of the following lands (and roads if any): (*Here describe each parcel of land and give name of owner, including applicant's own land and also roads and the municipality within which situated*).

Therefore, we the owners within the meaning of the said Act of the said lands (and if roads proceed and the mayor, overseer or reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows:

That a ditch be constructed (or as the case may be) and we do hereby estimate the cost thereof at the sum of \$ and the ditch shall be of the following description (*here give point of commencement, course and determination, its depth, bottom and top width and other particulars as agreed upon; also any bridges, culverts or catch basins, etc., required*).

I, _____, owner of (*describe the lands*) agree to (*here give portion of work to be done or material to be supplied*) and to complete the performance thereof on or before the _____ day of _____ 19__.

I, _____, owner of, etc., (*as above and so on with all the owners and the whole ditch*).

That the ditch when constructed shall be maintained as follows:

I, _____, owner of (*describe his lands*) agree to maintain the portion of the ditch from (*state point of commencement*) to (*state the point of termination of his portion*).

I, _____, owner of, etc., (*as above and so on with the owners and the whole ditch*).

.....
.....

To be signed here by all the owners.

Signed in the presence of }
.....

FORM D.

(Section 11.)

REQUISITION FOR THE EXAMINATION BY ENGINEER.

.....Sask.,.....19..

To (*Name of Secretary*).

Secretary of

(*P.O. Address*).

Sir,—

I am within the meaning of *The Private Ditches Act* the owner of the _____ quarter (*or as the case may be*) of section _____ in township _____ in

range west of the meridian in the Province of Saskatchewan, and as such I require to construct (*deepen, widen or otherwise improve as needed*) a ditch under the provisions of the said Act for the drainage of my said land, and the following lands and roads will be affected: (*Here describe each parcel of land to be affected as in the notice for the meeting to agree and state the name of the owner thereof*) and the said owners having met and failed to agree in regard to the same I request that an engineer to be appointed by the municipality for the purpose of the said Act be asked to appoint a time and place in the locality of the proposed ditch at which he shall attend and examine the premises, hear any evidence of the parties and their witnesses and make his award under the provisions of the said Act.

.....
Signature of party applying.

FORM E.

[Section 12 (3).]

In the matter of *The Private Ditches Act*:

I, _____ of _____ in the Province of Saskatchewan (*engineer or surveyor*) make oath and say (*or do solemnly declare and affirm*) that I will to the best of my skill, knowledge, judgment and ability honestly and faithfully and without fear of, favour to or prejudice against any owner or owners perform the duties from time to time assigned to me in connection with work under *The Private Ditches Act* and make a true and just award thereon.

Sworn (*or solemnly declared and affirmed*)
before me at _____ in the Province of _____
of Saskatchewan, this _____ day of _____
19 _____

FORM F.

(Section 13.)

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

.....Sask.,.....19 ..

To (*Name of owner.*)
(*P.O. Address.*)

Sir,—

You are hereby notified that _____ has been appointed engineer for the purposes of *The Private Ditches Act* and has in answer to my requisition fixed the hour of _____ o'clock in _____
135

the noon of day the day of 19
 at in the Province of Saskatchewan as the time and place
 for examining the premises and site of the ditch required by
 me to be constructed under the provisions of the said Act (*or
 as the case may be*) and you as owner of lands affected are
 required to attend with any witnesses that you may desire to
 have heard at the same time and place.

Yours etc.,

.....
Signature of applicant.

FORM G.

[Section 15 (2).]

AWARD OF ENGINEER.

I, the engineer appointed by the council of (*city, town,
 village, rural municipality or local improvement district, as
 the case may be*) under the provisions of *The Private Ditches
 Act* having been required so to do by the requisition of
 owner of the quarter (*or as the case may be*) of section
 in township in range west of the
 meridian in the Province of Saskatchewan filed with the secre-
 tary of said municipality and representing that he requires
 certain work to be done under the provisions of the said Act
 for the drainage of the said land and that the following other
 lands (and roads, *if any*) will be affected (*here set out the other
 parcels of lands or roads affected as in the requisition*) did
 attend at the time and place named in my notice in answer
 to said requisition and having examined the locality (and the
 parties and their witnesses *if such be the case*) find that the
 ditch (*or the deepening or widening of a ditch*) is within the
 said Act and is required.

The location, description and course of the ditch and its
 point of commencement and termination are as follows:

(*Here describe the ditch as to all above particulars.*) The
 said work will affect the following lands (and roads, *if any*).
 (*Here set forth and describe the lands and state the owners.*)

I do therefore award and apportion the work and the fur-
 nishing of material among the lands (and roads, *if any*)
 affected and the owners thereof according to my estimate of
 their respective interests in the said work as follows:

1. (*Name of owner and description of his land*) shall make
 and complete (*here fix the point of commencement and ending
 of his portion*) and shall furnish the following material (*state
 what material*) all of which according to my estimate will

amount in value to \$ and I fix the time for the performance of such work and providing such material at not later than the day of 19 .

2. (*Name of owner and description of land and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows:

1. (*Name of owner and description of land*) shall maintain (*here state point of commencement and ending of his portion*).

2. (*Name of owner, etc., as above*).

3. (*Name of owner, etc., as above*) shall receive \$ as compensation for damages which shall be borne and paid as follows: (*State by whom and by what lands respectively*).

My fees and the other charges attendant upon and for making this award are (*here give fees and other charges in detail*) amounting in all to \$ which shall be borne and paid as follows:

(*State by whom and by what lands respectively*).

WITNESS:

.....
Signature of Engineer.

FORM H.

(Section 28.)

CERTIFICATE OF ENGINEER.

To

Secretary of

I hereby certify that has furnished the material and completed the work (*as the case may be*) which under my award made in accordance with the provisions of *The Private Ditches Act* and dated the day of 19 one owner of the quarter (*or as case may be*) of section in township in range west of the meridian in the Province of Saskatchewan was adjudged to furnish or perform and having failed to furnish or perform the same, it was subsequently let by me to the said for the sum of \$ and as he has now completed the furnishing and performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure are (*give items*) amounting to \$ and said amount payable to the said contractor and my said fees and charges are chargeable on (*describe land to be charged therewith*) under the provisions of *The Private Ditches Act*.

Dated this day of 19 .

.....
Signature of Engineer.

/ 1909

CHAPTER 13

An Act respecting Land Surveyors.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Land Surveyors Act.*"

INTERPRETATION.

Interpre- 2. In this Act unless the context otherwise requires the
tation expression:

"Saskat- 1. "Saskatchewan land surveyor" means any person regis-
chewan tered under the provisions of this Act and qualified to practise
land as a surveyor of lands in Saskatchewan;
surveyor"

"Board" 2. "Board" means the board of examiners of candidates for
commissions as Saskatchewan land surveyors and for admis-
sion as articulated pupils;

"Secre- 3. "Secretary" means the secretary of the board of
tary" examiners;

"Commis- 4. "Commission" means a commission from the board
sion" constituting the person named therein a Saskatchewan land
surveyor;

"Form" 5. "Form" means a form in the schedule to this Act.

Who may 3. Save as hereinafter provided no person shall act as a
act as surveyor of lands within the province unless he is registered
land as a Saskatchewan land surveyor.
surveyor

Who may 4. Every person who at the date of the passing of this Act
register is or within one year thereafter becomes a Dominion land
without surveyor and a resident of the province and who duly registers
examina- with the secretary within such period of one year shall upon
tion payment of the fees provided in this Act and without any
further service or examination receive a commission and be
registered as a Saskatchewan land surveyor.

BOARD OF EXAMINERS.

5. There shall be a board of examiners for the examination of candidates for commissions or for admission as articulated pupils. ^{Board of examiners}

(2) The board of examiners shall consist in the first instance of three Dominion land surveyors in good standing and resident in the province to be appointed by the Lieutenant Governor in Council. ^{Constitution of board in first instance}

(3) Whenever a vacancy occurs on the board the Lieutenant Governor in Council shall fill the same by the appointment of a Saskatchewan land surveyor. ^{Vacancies how filled}

6. Each member of the board shall before entering on the duties of his office take an oath of office in form A. ^{Oath of office}

7. Two members of the board shall form a quorum. ^{Quorum}

8. The board shall meet at the city of Regina on the first Monday in March in each year unless such Monday is a holiday in which case it shall meet on the next ensuing day that is not a holiday and at such other times as the board considers advisable and may adjourn any meeting from time to time as it may deem necessary. ^{Meetings of board}

(2) Notice of each meeting shall be published in *The Saskatchewan Gazette* for two consecutive issues and the last publication of such notice shall be at least ten days before the date of such meeting. ^{Notice of meeting}

9. In the event of any member of the board being unable through any cause to attend any meeting of the board the Lieutenant Governor in Council may temporarily appoint another Saskatchewan land surveyor to fill his place. ^{Temporary vacancy how filled}

10. The board shall from time to time appoint a fit and proper person to be its secretary who shall attend the meetings of the board and keep a proper record of its proceedings; and until the board makes such appointment the director of surveys for the province shall be the secretary. ^{Appointment of secretary}

11. Examinations of candidates for commissions or for admission as articulated pupils shall be held at such times and places as the board directs and shall be conducted by one or more members of the board or by a special examiner appointed by the Lieutenant Governor in Council on the recommendation of the board. ^{Time and place of examination}

ARTICLED PUPILS.

12. No person shall be admitted as an articulated pupil to a Saskatchewan land surveyor unless he produces a certificate ^{Articled pupil must have}

passed
examination

from the board of having passed a satisfactory examination before one or more members of the board or a special examiner on the following subjects, namely: penmanship, orthography, arithmetic, algebra including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies and the use of logarithms.

Applicants
to notify
secretary

13. Every candidate for examination for admission as an articulated pupil shall give one month's notice in writing to the secretary of his intention to present himself for such examination; whereupon the secretary shall instruct him as to the manner in which he must proceed.

Conditions
precedent
to examination
for commission

14. No pupil shall be entitled to be examined for admission as a Saskatchewan land surveyor unless he shall have previously served regularly and faithfully for and during the period of three successive years which shall include at least twelve months' actual practice in the field under articles in writing in form B and unless he produces an affidavit in form C together with his own affidavit in form D that he has so served or if for some good and valid reason such affidavits cannot be produced unless he produces such evidence of service as the board may require.

Form of
articles
when
pupil of
age

15. Whenever a pupil is at the time of his entering into articles to a Saskatchewan land surveyor of the age of twenty-one years the said form B may be altered to suit the case by leaving out so much as relates to the father or other person by whose consent and approbation the pupil enters into articles by making the pupil take upon himself the obligation in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil and otherwise by so varying the form as may be necessary.

Transfer
of
articles

16. Any Saskatchewan land surveyor may by an instrument in writing transfer with his own consent a pupil articulated to him to any other Saskatchewan land surveyor with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to be examined unless he produces the affidavits of both such surveyors in the form C or in default thereof such evidence as is required by section 14 of this Act.

Completion
of term
with
another
surveyor

17. If any Saskatchewan land surveyor dies or leaves Canada or is suspended or dismissed or for any reason ceases to practise as a Saskatchewan land surveyor his pupil may complete his term under articles as aforesaid with any other Saskatchewan land surveyor.

Duplicate
of
articles
to be
transmitted
to
secretary

18. Articled pupils shall transmit to the secretary within three months of the date of their articles a duplicate thereof together with a fee of \$2 for receiving and filing the same and

the secretary shall acknowledge receipt of the same which he shall file and keep with the records of the board.

19. Every Dominion land surveyor not within the provisions of section 4 hereof shall be entitled to receive a commission without further service and without being subjected to any examination save and except on the following subjects: *The Land Titles Act* so far as it relates to plans, *The Drainage Act*, *The Private Ditches Act*, *The Public Works Act* and such provincial Statutes or parts of Statutes as may be prescribed by the board.

20. Every person who before the passing of this Act was duly qualified by certificate, diploma or commission to survey lands in any of the provinces of Canada or who may hereafter become so qualified and in either case who in order to become so qualified served a term under articles to a surveyor equivalent to the term herein prescribed and produces evidence satisfactory to the board of having passed an examination on the subjects prescribed by sections 12 and 24 hereof shall be entitled to receive a commission without further service and without passing any examination save and except on the following subjects: the system of survey of Dominion lands as prescribed by *The Dominion Lands Surveys Act* and manual of instructions for the survey of Dominion lands, *The Land Titles Act* so far as it deals with plans, *The Drainage Act*, *The Private Ditches Act*, *The Public Works Act* and such other provincial Statutes or parts of Statutes as may be prescribed by the board:

Provided however that it shall rest with the board to decide whether the service performed by such person is equivalent to that prescribed in this Act for articulated pupils and whether the subjects of examination for such certificate, diploma or commission are sufficiently similar to those prescribed in the said sections to entitle him under the provisions of this section to such commission; and if such service or subjects of examination are not in the opinion of the board equivalent or sufficiently similar to those prescribed herein the board may in its discretion require any applicant for a commission under the provisions of this section to complete such further term of service or practice in surveying and to undergo an examination in such of the subjects prescribed in sections 12 and 24 hereof as it may deem necessary.

21. Every person who shows to the satisfaction of the board that he was duly admitted as a surveyor of lands in any part of his Majesty's Dominions other than one of the provinces of Canada and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor (of which practice at least six months was in the field) shall be

entitled to a commission on passing an examination in the subjects named in sections 12 and 24 hereof and on his producing an affidavit from a Saskatchewan land surveyor in form C that such person has in addition to the service aforesaid served under such surveyor at least one year which shall include at least six months' actual practice in the field.

Admission
of
university
or college
graduate

22. Every person who has followed a regular course of study in all the subjects named in sections 12 and 24 of this Act through the regular sessions for at least three years in any college or university where a complete course of theoretical and practical instruction in surveying is organised and who has thereupon received from such college or university a diploma as civil engineer shall be entitled to be examined for a commission after one years' service at least six months of which has been in the field under articles with a Saskatchewan land surveyor on producing the affidavit required by the next preceding section as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is such as is required by this section.

(2) Every person who has followed a regular course of study in all the subjects equivalent to those named in sections 12 and 24 of this Act through the regular sessions for at least three years in any college or university where a complete course of theoretical and practical instruction in surveying is organised and who has thereupon received from such college or university a diploma as civil engineer and who can prove satisfactorily to the board that prior to the coming into force of this Act he has served three years with a Dominion land surveyor practising in Saskatchewan at least twelve months of which service has been in the field shall be entitled to be examined for a commission; but it shall rest with the board to decide whether the course of instruction in such college or university is such as is required by this section and upon what subjects he shall be examined.

Notice to
secretary

23. Every person who desires to be examined by the board shall give notice in writing to such effect to the secretary at least one month previous to the sitting of the board and shall transmit therewith the fee hereinafter prescribed.

Subjects of
examination
for
commission

24. No person shall unless he is thereto entitled under some other provision of this Act receive a commission from the board unless he has complied with the foregoing provisions of this Act and until he has attained the full age of twenty-one years and has passed a satisfactory examination as hereinbefore provided on the following subjects, that is to say: geometry equivalent to the first four books of Euclid, the sixth book and the eleventh book and the definitions and axioms of the fifth book of Euclid; algebra including simple and quad-

ratic equations, ratio, proportion, progressions and the doctrine of exponents; plane and spherical trigonometry so far as it includes the solution of triangles; the use of logarithms; mensuration of superficies, measurement of area including their calculation by latitude and departure and the dividing and laying off of land; a knowledge of the elements of practical astronomy so far as it includes the finding of time, latitude, longitude, azimuth, variation of the compass and drawing meridian lines; use and adjustments of surveying and levelling instruments; taking field notes and preparing plans; the principles of evidence and drawing up of affidavits; the describing of lands by metes and bounds; the system of surveys of Dominion lands as prescribed by *The Dominion Lands Surveys Act* and manual of instructions for the survey of Dominion lands, *The Land Titles Act* so far as it deals with plans, *The Public Works Act*, *The Drainage Act*, *The Private Ditches Act*, and such other provincial Statutes or parts of Statutes as may be prescribed by the board; he shall be practically familiar with surveying operations and capable of intelligently reporting thereon and shall perform such practical operations in the presence of the board and shall answer such questions on oath as the board or any member thereof or any examiner appointed on their recommendation may require as to his actual experience in the field and with regard to his instruments.

25. Any person who passes the examination prescribed by Commission this Act and any person who is entitled under any section of this Act shall receive from the board a commission in form E and shall take and subscribe before the board or any member thereof deputed by the board for that purpose the oath of allegiance and the oath of office as in form F.

(2) The said commission shall be signed by at least two members of the board and by the secretary.

(3) Until the above formalities have been complied with and all fees required by the provisions of this Act are paid the said commission shall have no effect.

(4) The said oaths of allegiance and of office shall be deposited and the said commission shall be recorded in the department of public works.

FEEES.

26. Such fees as shall be fixed by the Lieutenant Governor Fees in Council shall be paid under the provisions of this Act to the secretary of the board who shall transmit the same to the provincial treasurer which fees shall form part of the general revenue of the province.

REMUNERATION OF BOARD AND SECRETARY.

27. Every member of the board who attends at the meetings thereof and every member who holds an examination as pro-

vided by any of the sections of this Act shall receive such remuneration as is fixed by the Lieutenant Governor in Council for each day's sitting and the actual living and travelling expenses incurred by such member and consequent upon such attendance; and the provincial treasurer shall pay the same on the certificate of the secretary that the said member was duly notified by the secretary to attend such meeting and was in regular attendance thereat as a member or temporary member of the board.

Remuneration of secretary

28. The secretary shall be paid annually for his services such remuneration as may be fixed by the Lieutenant Governor in Council and the provincial treasurer shall pay the same on the certificate of at least two of the members of the board that the secretary has performed his duties as required by the Act.

REGISTRATION.

Register to be kept

29. It shall be the duty of the secretary to make and to keep a correct register of all persons who have received commissions and to enter opposite the names of such registered persons as shall have died or been suspended or dismissed a statement of such fact and from time to time to make the necessary alterations in the addresses of persons registered; and a copy of such register or extract therefrom purporting to be certified by the secretary shall without proof of his signature or of his being in fact such secretary be *prima facie* evidence in all courts, land titles offices and before all officials, municipal councillors and others that the persons named therein are registered and duly authorised to practise as Saskatchewan land surveyors.

Secretary to send copies annually to land titles offices

30. The secretary shall on or before the first of April in each year send prepaid to the registrar of each land titles office in the province an extract in form G from his register corrected to date and certified as aforesaid.

OFFENCES AND PENALTIES.

Penalty for practising as a surveyor without commission

31. Any person unregistered or under suspension under this Act who acts as a surveyor of lands within this province shall be guilty of an offence and on summary conviction thereof liable to a penalty of \$100 for each and every day he so acts and shall not recover in any court for any such services performed by him:

Provided however that nothing in this Act shall be construed to prevent any British subject who is a qualified civil engineer and who holds undoubted credentials as such from any college or university, chartered institute of engineers, civil engineer or firm of civil engineers of repute in the United Kingdom or Canada from making such surveys as may be incidental to works of construction upon which he may be employed; but

plans of such surveys shall not be accepted in any land titles office or in any court of law as evidence in respect to area or location.

32. The board may in its discretion suspend or dismiss from ^{Suspension} the practice of his profession any Saskatchewan land surveyor ^{or} whom it finds guilty of gross negligence or corruption in the ^{dismissal} execution of the duties of his office; but the board shall not suspend or dismiss such surveyor without having previously summoned him to appear before the board in order to be heard in his defence nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor; and if after being summoned as aforesaid the surveyor does not appear the board may appoint a fit and proper person to present the evidence on his behalf.

33. Any Saskatchewan land surveyor who knowingly and wilfully acts as a professional agent of any person not duly ^{Acting as} qualified to practise as a land surveyor or uses or suffers his ^{professional} name to be used in any such agency or does any act or thing ^{agent of an} or affords any means or facility tending to enable such unqualified ^{unqualified} person to practise in any respect as a Saskatchewan land surveyor or which is calculated to or does or may mislead the public or any person to believe that such unqualified person is authorised to practise as a land surveyor or who shall falsely certify as to the service under articles of a pupil when such ^{person} service shall not have been actually and *bona fide* performed in the manner intended and required by this Act shall be liable under section 32 of this Act to a charge of misconduct in the execution of the duties of his office and to discipline in addition to any other liability which he may incur by any such misconduct.

34. Any Saskatchewan land surveyor before attaching his certificate and signing a plan of survey in accordance with the provisions of *The Land Titles Act* shall be perfectly familiar with and shall have directed the operations necessary to give effect to such survey and he shall be certain that such survey is correct and true; but it shall not be necessary for him to have actually performed personally all the necessary operations to give effect to such survey. ^{Personal supervision of surveys}

STANDARD MEASURE.

35. Every Saskatchewan land surveyor duly practising in this province shall under penalty of forfeiting his commission procure and cause to be examined, corrected and stamped or otherwise certified by the proper authority in that behalf a standard measure of length and every such surveyor shall previously to using a chain for surveying verify by such standard the length of such chain. ^{Standard measure}

CHAIN BEARERS.

Chain
bearers

36. Any Saskatchewan land surveyor may require that any chain bearer employed by him shall before he commences his chaining or measuring take an oath or affirmation before him that he will discharge such duty with exactness according to the best of his judgment and ability and render a true account of his chainage or measuring to the surveyor by whom he has been appointed to such duty.

EVIDENCE.

Evidence
before
surveyors

37. Every Saskatchewan land surveyor acting in that capacity may examine witnesses on oath with respect to all matters relating to settlement, occupation or possession of lands in Saskatchewan and to the survey of lands and for better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land and may administer such oath or oaths to every person whom he examines in relation to such matters.

Compelling
witnesses

38. Whenever any Saskatchewan land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit or of any writing, plan or document tending to establish the true position of such corner, boundary or limit; and if such person does not willingly appear before and submit to being examined by such surveyor or does not willingly produce to him such writing, plan or document such surveyor may apply to any justice of the peace for a *subpoena ad testificandum* or a *subpoena duces tecum* as the case requires accompanying such application by an affidavit or solemn declaration made before such justice of the peace of the facts on which the application is founded; and such justice may issue a subpoena accordingly commanding such person to appear before the surveyor at a time and place mentioned in the subpoena and if the case requires it to bring with him any writing, plan or document mentioned or referred to therein.

(2) Such subpoena shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some adult person of his family at his residence exhibiting to him or such adult person the original.

(3) If the person required in such subpoena to appear after being paid his reasonable expenses or having the same tendered to him refuses or neglects to appear before the surveyor at the time and place appointed in the subpoena or to produce the writing, plan or document, if any, therein mentioned or referred to or to give such evidence and information as he possesses touching the boundary or limit in question a warrant

by the justice for the arrest of such person may be issued and he shall be liable on summary conviction to a penalty not exceeding \$100 or to imprisonment for a term not exceeding ninety days or to both.

39. All evidence taken by a Saskatchewan land surveyor as aforesaid shall be reduced to writing and shall be read over to the person giving the same and shall be signed by such person or if he cannot write he shall acknowledge the same as correct before two witnesses who shall sign the same as shall also the Saskatchewan land surveyor; and such evidence and any document or plan prepared and sworn to as correct before a justice of the peace by any Saskatchewan land surveyor with reference to any survey by him performed may be filed and kept at the land titles office for the land registration district in which the lands to which the same relate are situate subject to be produced thereafter in evidence in court.

How
evidence
is
recorded

RIGHTS OF SURVEYORS.

40. Any Saskatchewan land surveyor when engaged in the performance of his duties as such may pass over, measure along and ascertain the bearings of any township or section line or other governing line and for such purposes may pass over the lands of any person whomsoever doing no actual damage to the property of such person.

Damage
while
surveying

41. Every person who interrupts, molests or hinders any Saskatchewan land surveyor while in the discharge of his duty as a surveyor shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20 or to imprisonment for a term not exceeding two months or to both.

Interference
with
surveyor

REMOVING LAND MARKS.

42. Every person who knowingly or wilfully defaces, alters or removes any mound or landmark, post or monument heretofore or hereafter placed by any Saskatchewan or Dominion land surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Saskatchewan shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100 or to imprisonment for a term not exceeding three months or to both.

Punishment
for
defacing or
altering
landmarks

43. Every person who not being a Saskatchewan land surveyor knowingly or wilfully has in his custody or possession for any other than a lawful purpose in connection with a survey of lands in the province any such post or monument or any post or monument intended or apparently intended to be used for the purpose of such survey or to mark any such limit,

Wrongful
possession
of corner
posts

boundary or angle shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100 or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Surveyors
may move
posts

44. Nothing in this Act contained shall extend to prevent Saskatchewan land surveyors in their operations from taking up posts or other boundary marks when necessary after which they shall carefully replace them as they were before.

Rules and
regulations

45. The Lieutenant Governor in Council may from time to time make such rules and regulations as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

Act not to
apply to
certain
surveys

46. Nothing in this Act shall apply to the survey of lands belonging to his Majesty in the right of Canada or to any plan of such survey.

SCHEDULE.

FORM A.

OATH OF A MEMBER OF BOARD OF EXAMINERS.

(Section 6.)

I, *A.B.*, do solemnly swear (*or affirm, as the case may be*) that I will faithfully discharge the duty of an examiner of candidates for commissions as Saskatchewan Land Surveyors or for admission as articulated pupils according to law without favour, affection or partiality. So help me God.

SWORN before me at

in the Province of Saskatchewan
this day of 19 .

..... }

*A Commissioner for Oaths, Justice of the
Peace, or Notary Public, etc.*

FORM B.

ARTICLES OF PUPIL TO SASKATCHEWAN LAND SURVEYOR.

(Section 14.)

These Articles of Agreement, made the day of
one thousand nine hundred and

Between

A.B., of

in the Province of Saskatchewan.

Saskatchewan Land Surveyor, of the First Part,

and

C.D., of _____ in said Province, and *E.F.*,
son of the said *C.D.*, of the Other Part,
witnesseth:

That the said *E.F.*, of his own free will and by and with the consent and approbation of the said *C.D.*, doth, by these presents place and bind himself pupil to the said *A.B.*, to serve him as such from the day of the date hereof for, during and until the full end and term of three years from hence next ensuing and fully to be completed and ended;

And the said *C.D.* doth hereby, for himself, his heirs, executors and administrators, covenant with the said *A.B.*, his executors, administrators and assigns, that the said *E.F.* shall well and faithfully and diligently according to the best and utmost of his power, serve the said *A.B.*, as his pupil in the practice or profession of a Saskatchewan Land Surveyor. which he, the said *A.B.*, now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years;

And that he, the said *E.F.*, shall not at any time during such term cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make way with any books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said *A.B.*, his executors, administrators or assigns or of any of his employers and that in case the said *E.F.* shall act contrary to the last mentioned covenant or if the said *A.B.*, his executors, administrators or assigns shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said *E.F.*, the said *C.D.*, his heirs, executors or administrators will indemnify the said *A.B.*, his executors, administrators or assigns and make good and reimburse him or them the amount of value thereof;

And, further, that the said *E.F.* shall at all times keep the secrets of the said *A.B.* in all matters relating to the said business and profession and will at all times during the said term be just, true and faithful to the said *A.B.* in all matters and things and from time to time pay all moneys which he shall receive of or belonging to or by order of the said *A.B.* into his hands and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession without fraud or delay when and so often as he shall thereto be required and will readily and cheerfully obey and execute his lawful and reasonable commands and shall not depart or absent himself from the service or employ of the said *A.B.* at any time during the said term without his consent first had and obtained and shall from time to time and at all times during the said term conduct himself with all due diligence and with honesty and sobriety;

And the said *E.F.* doth hereby for himself covenant with the said *A.B.*, his executors, administrators and assigns that he the said *E.F.* will truly, honestly and diligently serve the said

A.B. at all times for and during the said term as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof and of
of lawful money by the said *C.D.* to the said *A.B.* paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged) the said *A.B.* for himself, his heirs, executors and administrators, doth covenant with the said *C.D.*, his heirs, executors and administrators that he the said *A.B.*, will accept and take the said *E.F.* as his pupil and that he will by the best ways and means he may or can and to the utmost of his skill and knowledge, teach and instruct or cause to be taught and instructed the said *E.F.* in the course of study prescribed by section 24 of *The Land Surveyors Act* in practical surveying operations and in the use of instruments and generally in the art, practice and profession of a Saskatchewan land surveyor which he the said *A.B.* now doth and shall at all times during the said term use and practise and also will provide the said *E.F.* with all the necessary and reasonable expenses incurred in transacting or performing the business of the said *A.B.* and also will at the expiration of the said term make the affidavit of service required by section 14 of the said Act and use his best means and endeavours at the request, cost and charges of the said *C.D.* and *E.F.* or either of them to cause and procure him the said *E.F.* to be examined before the board of examiners of candidates for commissions as Saskatchewan Land Surveyors, provided the said *E.F.* shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid according to the true intent and meaning thereof each of them, the said *A.B.* and *C.D.* doth bind himself, his heirs, executors, administrators unto the other, his heirs, executors, administrators and assigns in the penal sum of five hundred dollars firmly by these presents.

In witness whereof the parties aforesaid have hereunto set their hands and seals the day and year first above written.

A.B. (Seal).

C.D. (Seal).

E.F. (Seal).

Signed, sealed and delivered
in the presence of

G.H.

J.K.

FORM C.

AFFIDAVIT BY SURVEYOR.

(Section 14.)

I, *A.B.*, of
 in the Province of Saskatchewan, Saskatchewan Land Surveyor,
 do solemnly swear that *E.F.* has served regularly and faithfully as my pupil from the _____ day
 of _____ 19____, to the _____ day
 of _____ 19____ of which time at least
 twelve months were served in actual practice in the field.

That he has been engaged with me in the field on the following surveys, that is to say: (*A general description of the work on which the pupil has been engaged in the field*), and that the said *E.F.* has always conducted himself with all due diligence, honesty and sobriety on the said service.

SWORN before me at
 in the Province of Saskatchewan
 this _____ day of
 19____

.....
*A Commissioner for Oaths, Justice of the
 Peace, Notary Public, etc.*

FORM D.

AFFIDAVIT BY PUPIL.

(Section 14.)

I, *E.F.*, of
 in the Province of Saskatchewan, do solemnly swear that I
 have attained the full age of twenty-one years.

That I have served regularly and faithfully with *A.B.*,
 Saskatchewan Land Surveyor, as his pupil from the _____ day
 of _____ 19____, to the _____ day
 of _____ 19____ of which time at least twelve
 months were served in actual practice in the field.

That I have been engaged with him in the field on the following surveys, that is to say: (*A general description of the work on which the pupil has been engaged in the field.*)

SWORN before me at
 in the Province of Saskatchewan
 this _____ day of
 19____

.....
*A Commissioner for Oaths, Justice of the
 Peace, Notary Public, etc.*

FORM E.

COMMISSION AS SASKATCHEWAN LAND SURVEYOR.

(Section 25.)

This is to certify to all whom it may concern that *A.B.*, of
in the Province of Saskatchewan, hath
duly passed his examination before the Board of Examiners.
and hath been found duly qualified to fill the office and perform
the duties of a Saskatchewan Land Surveyor, he having com-
plied with all the requirements of the law in that behalf:

Wherefore he, the said *A.B.*, is hereby duly admitted to the
said office, and commissioned for the discharge of the duties
thereof and is by law authorised to practise as a surveyor of
Saskatchewan lands.

In witness whereof we, members of the Board of Examiners
and Secretary of the Board have signed this Commission, at
on this day of
one thousand nine hundred and

.....
.....
.....

Members of the Board of Examiners.

.....
Secretary.

FORM F.

(Section 25.)

I of
in the Province of Saskatchewan, do solemnly swear (*or affirm.*
as the case may be) that I will faithfully discharge the duties
of a Saskatchewan Land Surveyor according to law, without
favour, affection or partiality. So help me God.

SWORN before me at
in the Province of Saskatchewan, }
this day of
19 . }

.....
*A Commissioner for Oaths, Justice of the
Peace or Notary Public.*

FORM G.

REGISTER OF SASKATCHEWAN LAND SURVEYORS.

(Section 30.)

NAME	RESIDENCE OR POST OFFICE ADDRESS	OTHER PROFES- SIONAL QUALIFI- CATIONS	REMARKS

1909

CHAPTER 14

An Act to amend The Steam Boilers Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1906, c. 15,
s. 12 (3),
repealed

1. Subsection (3) of section 12 of *The Steam Boilers Act* is repealed.

S. 19 (1),
amended

2. Subsection (1) of section 19 of the said Act is amended by striking out the figures "1910" where they occur therein and substituting therefor the figures "1911."

Ss. 28 and
29 amended

3. Sections 28 and 29 of the said Act are amended by striking out the words "a fee of \$3" wherever they occur therein and substituting therefor the words "the prescribed fee."

S. 29 (4),
amended

4. Subsection (4) of section 29 of the said Act is amended by striking out the figures "35" and substituting therefor the figures "40."

S. 31 (1),
amended

5. Subsection (1) of section 31 of the said Act is amended by inserting after the word "provided" in the fourth line thereof the words "the fees payable for each grade of examination" and by inserting after the word "conducted" where it occurs in the fifth line thereof the words "and made" and further by striking out all the words after the word "commissioner" where it occurs in the seventh line thereof.

S. 35 (2),
amended

6. Subsection (2) of section 35 of the said Act is amended by adding thereto the words "constable or peace officer."

S. 38 (2),
repealed;
new (2)

7. Subsection (2) of section 38 of the said Act is repealed and the following substituted therefor:

Fee for
permit

"(2) The fee for the issue of a permit shall be such as is prescribed from time to time by regulations of the minister."

/ 1909

CHAPTER 15

An Act respecting Suits Against the Crown by Petition of Right.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Petition of Right Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the ^{Interpreta-}
expression:

- (a) "Court" means the supreme court of Saskatchewan; "Court"
- (b) "Judge" means a judge of the said court; "Judge"
- (c) "Relief" includes every species of relief claimed or "Relief"
prayed for in any petition of right, whether a resti-
tution of any incorporeal right or a return of lands
or chattels or a payment of money or damages or
otherwise.

3. A petition of right shall be entitled in the supreme court ^{Contents of}
of Saskatchewan and shall state the place where the suppliant
proposes the petition shall be tried; and such petition shall be
addressed to his Majesty in the words or to the effect of the
form in the schedule to this Act and shall state the Christian
name and surname and usual place of abode of the suppliant
and those of his solicitor, if any, by whom the same is pre-
sented; and shall set forth with convenient certainty the facts
entitling the suppliant to relief and shall be signed by the
suppliant or his solicitor; the facts set forth in the petition
shall be verified by affidavit of the suppliant, his solicitor or
agent annexed thereto or indorsed thereon.

4. The said petition and a copy thereof shall be left with the ^{Fiat for}
clerk of the Executive Council for submission to the Lieutenant
Governor in Council, and upon such consideration a fiat may
be granted that right be done.

Service of
petition

5. Upon the Lieutenant Governor's fiat being obtained to such petition a copy of such petition and fiat shall be left at the office of the attorney general during office hours with an indorsement thereon in the words or to the effect of the forms in the schedule to this Act annexed, praying for a defence or answer on behalf of his Majesty within twenty-eight days.

Notice to
defend

Notice to
last
occupant
of real
estate

6. In case any such petition of right shall be presented for the recovery of any real or personal property or any right in or to the same which has been granted away or disposed of by or on behalf of his Majesty or his predecessors, a copy of such petition and fiat shall be served upon the person in the possession, occupation or enjoyment of such property or right, indorsed with a notice in the words or to the effect of the form 3 in the schedule to this Act requiring such person to file a statement of defence thereto within twenty-eight days after the same has been so served; service of the said petition and fiat shall be made in the manner provided for service of a writ of summons in a civil action.

Appearance
of third
party and
subsequent
proceedings

7. It shall not be necessary to issue any *scire facias* or other process to any person so served for the purpose of requiring him to appear, plead or answer to such petition; but he shall if he intends to contest such petition file his statement of defence thereto within the time specified in such notice or such further time as the court or judge may allow.

PLEADINGS.

Time for
pleading or
answering

8. The time for defending or pleading to such petition on behalf of his Majesty shall be the said period of twenty-eight days after such petition with such prayer of a defence or answer as aforesaid has been left at the office of the said attorney general or such further time as may be allowed by the court or judge.

How
petitions
may be
answered by
attorney
general
for the
crown

9. The petition may be answered within the time aforesaid according to the practice of the court relating to statements of defences and counter-claims by or in the name of his Majesty's attorney general on behalf of his Majesty.

How
petition
may be
answered by
another
person

10. The petition may be answered by or on behalf of any other person who may in pursuance thereof be called upon to plead or answer thereto in the same manner as if such petition when prosecuted in the said court were a statement of claim filed therein; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on behalf of his Majesty may be alleged on behalf of any such other person as aforesaid called on to plead or answer thereto.

PRACTICE.

11. So far as the same are applicable and except in so far as is inconsistent with this Act the laws and statutes in force as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal and proceedings in error, in suits between subject and subject, and the rules, orders, practice and course of procedure of the said court respectively for the time being in reference to such suits and personal actions shall be applicable and apply and extend to such petition of right.

12. In case of a failure on the behalf of his Majesty or of any other person as aforesaid called upon to answer or plead to such petition to plead or answer in due time either to such petition or at any subsequent stage of the proceedings thereon the suppliant shall be at liberty to apply to the court or to a judge for an order that the petition may be taken as confessed; and the court or judge on being satisfied that there has been such failure to plead, answer or defend in due time may order that such petition may be taken as confessed as against his Majesty or such other party so making default; and in case of default on behalf of his Majesty or any other such person, if any, called upon as aforesaid to answer or plead thereto a judgment may be pronounced by the court or leave may be given by the court or judge on the application of the suppliant to sign judgment in favour of the suppliant.

13. The judgment in the last preceding section authorised may afterwards be set aside by such court or a judge in its or his discretion upon such terms as to it or him seem proper.

TRIAL OF ISSUES.

14. Any issue of fact or assessment of damages to be tried or had under this Act shall be tried or had by a judge without a jury.

JUDGMENT.

15. Upon such petition of right the judgment of the court whether pronounced or given upon the pleadings or upon a default to answer or plead in time or after hearing of verdict or otherwise shall be that the suppliant is or is not entitled either to the whole or to some portion of the relief sought by his petition or such other relief as the court thinks right and such court may give a judgment that the suppliant is entitled to such relief and upon such terms and conditions, if any, as such court thinks just.

Effect of
judgment

16. In all cases in which the judgment commonly called a judgment of *amoveas manus* was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief as hereinbefore provided shall be of such and the same effect as such judgment of *amoveas manus*.

COSTS.

Costs upon
petition as
against the
suppliant

17. Upon any such petition of right the attorney general or other persons appearing on behalf of his Majesty and every such other person as aforesaid who defends or pleads thereto shall be entitled respectively to recover costs against the suppliant in the same manner and subject to the same restrictions and discretion and under the same rules, regulations and provisions so far as they are applicable as are or may be usually adopted or in force touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs such and the same remedies and writs of execution as are authorised for enforcing payment of costs upon judgments or orders shall and may be prosecuted, sued out and executed respectively by or on behalf of his Majesty and of such other person as aforesaid as defends and pleads to such petition; and any costs recovered on behalf of his Majesty shall be paid to the provincial treasurer and form part of the general revenue fund of the province.

Recovery
of costs
by the
suppliant

18. Upon any such petition of right the suppliant shall be entitled to costs against his Majesty and also against any other person defending or pleading to any such petition of right in like manner and subject to the same rules, regulations and provisions, restrictions and discretion so far as they are applicable as are or may be usually adopted or in force touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person other than his Majesty defending or pleading in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorised for enforcing payment of costs, judgments or orders in actions between subject and subject shall and may be prosecuted, sued out and executed on behalf of such suppliant.

Judge's
certificate
to the
provincial
treasurer
when
suppliant
is declared
entitled

19. Whenever upon such petition of right a judgment or order is given or made that the suppliant is entitled to relief and there is no appeal and whenever upon an appeal a judgment or order is affirmed, given or made that the suppliant is entitled to relief and whenever any judgment or order is given or made entitling the suppliant to costs any one of the judges of the said court shall and may upon application on behalf of the suppliant after a lapse of fourteen days from the making, giving or affirming of such judgment or order certify to the

provincial treasurer the tenor and purport of the same in the words or to the effect of the form 4 in the schedule to this Act; and such certificate may be sent to or left at the office of the provincial treasurer during office hours.

20. Upon the tenor and purport of any judgment or order being certified to him as aforesaid the provincial treasurer shall pay out of any moneys in his hands for the time being legally applicable thereto or which may be thereafter voted by the Legislature for that purpose the amount of any moneys and costs awarded by such judgment or order to the suppliant in any such petition of right. ^{Payment of judgment and costs}

SCHEDULE.

FORM 1.

(Section 3.)

PETITION.

In the Supreme Court of Saskatchewan.

To the King's Most Excellent Majesty:

Province of Saskatchewan }
To wit:

The humble petition of A.B., of _____ by his
attorney, E.F., of _____ sheweth that (*state
with convenient certainty the facts on which the petitioner
relies as entitling him to relief*).

CONCLUSION.

Your suppliant therefore humbly prays that (*state the relief claimed*).

Your suppliant humbly proposes that this petition be tried
at _____

Dated the _____ day of _____ A.D. 19 ____
A.B., (or
C.D.,
Solicitor for A.B.)

I, A.B., the within suppliant, make oath and say that the facts and matters and things in the within named petition set forth and contained are true to my personal knowledge.

Sworn before me at _____ }
in the Province of _____ }
this _____ day of _____ }
19 ____ }
A.B.

FORM 2.

(Section 5.)

Indorsement
of petition

INDORSEMENT ON PETITION.

The suppliant prays for a statement of defence on behalf of his Majesty within twenty-eight days after the date hereof or otherwise that the petition may be taken as confessed.

FORM 3.

(Section 6.)

Notice to
defend

NOTICE TO DEFEND.

To A.B.:

You are hereby required to file your statement of defence to the within petition in the Supreme Court of Saskatchewan within twenty-eight days after the date of service hereof.

Take notice that if you fail to defend in due time the said petition may as against you be ordered to be taken as confessed.

Dated the day of 19 .

FORM 4.

(Section 19.)

Certificate
of
judgment
for
petitioner

CERTIFICATE OF JUDGMENT FOR PETITIONER.

In the Supreme Court of Saskatchewan.

To the Honourable the Provincial Treasurer of Saskatchewan:

Petition of Right of A.B. in His Majesty's Supreme Court of Saskatchewan at

I hereby certify that on the day of 19 , it was by the Supreme Court of the Province of Saskatchewan adjudged (or ordered) that the above named suppliant was entitled to (state the relief claimed).

Dated the day of 19 .

.....
Judge's signature.

✓ 1909

CHAPTER 16

An Act respecting Actions for Libel and Slander.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Libel and Slander Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the ^{Interpre-} expression: _{tation}

1. "Newspaper" shall mean a paper containing public ^{"News-} news, intelligence or occurrences or remarks or observations _{paper"} thereon, printed for sale and published periodically or in parts or numbers at regular intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers and shall include a paper printed in order to be made public weekly or oftener or at regular intervals not exceeding thirty-one days and containing only or principally advertisements;

2. "Proprietor" means and includes as well the person or ^{"Proprie-} corporation being the sole proprietor of any newspaper as also _{tor"} in the case of a divided proprietorship the persons who as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves.

LIBEL AND SLANDER.

3. In an action for libel or slander the plaintiff may aver ^{Averments} that the words or matter complained of were used in a defama- _{in actions} tory sense specifying the defamatory sense without any ^{for libel} prefatory averment to show how the words or matter were _{or slander} used in that sense and the averment shall be put in issue by the denial of the alleged libel or slander and where the words or matter set forth with or without the alleged meaning show a cause of action the statement of claim shall be sufficient.

4. In an action for libel or slander where the defendant ^{Defendant} has pleaded a denial of the alleged libel or slander only or has _{may prove in} mitigation

that he
offered
a written
or printed
apology

suffered judgment by default or judgment has been given against him on motion for judgment on the pleadings he may give in evidence in mitigation of damages that he made or offered a written or printed apology to the plaintiff for such libel or slander before the commencement of the action; or if the action was commenced before there was an opportunity of making or offering such apology that he did so as soon afterwards as he had an opportunity.

LIBEL.

Jury not
to be
directed to
return a
verdict of
guilty on
the mere
proof of the
publication
and of
the sense
ascribed

5. On the trial of an action for libel the jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action; but the court shall according to its discretion give its opinion and directions to the jury on the matter in issue as in other cases and the jury may on such issue find a special verdict if they think fit so to do and the proceedings after verdict whether general or special shall be the same as in other cases.

Consolidation of
different
actions for
same libel

6. The court or a judge upon an application by two or more defendants in any two or more actions for the same or substantially the same libel or for a libel or libels contained in articles the same or substantially the same published in different newspapers brought by one and the same person may make an order for the consolidation of such actions so that they shall be tried together and after such order has been made and before the trial of such actions the defendants in any new actions instituted in respect to any such libel or libels shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

How
damages
assessed
and costs
apportioned
in such
cases

(2) In a consolidated action under this section the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately and if the jury find a verdict against the defendant or defendants in more than one of the actions so consolidated they shall apportion the amount of the damages between and against such last mentioned defendants and the judge at the trial in the event of the plaintiff being awarded the costs of the action shall thereupon make such order as he shall deem just for the apportionment of the costs between and against such defendants.

"Article"

(3) For the purposes of this section "article" shall include anything appearing in a newspaper as an editorial or as correspondence or otherwise than as an advertisement.

NEWSPAPER LIBEL.

7. In an action for libel contained in a newspaper the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action or at the earliest opportunity afterwards he inserted in such newspaper a full apology for the libel; or if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week that he offered to publish the apology in any newspaper to be selected by the plaintiff.

Defendant may plead that the libel was inserted without malice or gross negligence and that he published or offered to publish an apology

8. In any action for libel contained in a newspaper the plaintiff shall recover only actual damages if it appears at the trial:

Only actual damage recoverable in certain cases

- (a) That the alleged libel was published in good faith;
- (b) That there was reasonable ground to believe that the publication thereof was for the public benefit;
- (c) That it did not involve a criminal charge;
- (d) That the publication took place in mistake or a misapprehension of the facts; and
- (e) That a full and fair retraction of any statement therein alleged to be erroneous was published in the said newspaper before the commencement of the action and was so published in as conspicuous a place and type as was the alleged libel.

(2) The provisions of this section shall not apply to the case of libel against any candidate for public office in Saskatchewan unless the retraction of the charge is made editorially in a conspicuous manner at least fifteen days before the election.

Section not to apply in certain cases

9. A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of any libel to which the two next preceding sections apply and except so far as regards the additional facts hereinbefore required to be pleaded by a defendant such payment shall have the same effect as payment into court in other cases.

Defendant may pay money into court as amends

10. A fair and accurate report published in a newspaper of any proceedings in the Senate or House of Commons of Canada, in any Legislative Assembly of any of the provinces of Canada or in any committee of any such bodies or of a public meeting or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a municipal council, school board, board of health or of any other board or local authority formed or constituted under any of the

Reports of proceedings, of public meetings, etc.

provisions of any public Act of any Legislative Assembly of any of the provinces of Canada or of the Parliament of Canada or of any committee appointed by any of the above mentioned bodies and the publication of the whole or a portion or fair synopsis of any report, bulletin, notice or other document issued for the information of the public from any government office, bureau or department or by any board of health or medical health officer or the publication at the request of any government or municipal official, commissioner of police or chief constable of any notice or report issued by him for the information of the public shall be privileged unless it shall be proved that such publication was made maliciously.

**Blasphemous
or indecent
matter**

(2) Nothing in this section shall authorise the publication of any blasphemous, seditious or indecent matter.

**When
defendant
refuses to
publish
explanation**

(3) The protection intended to be afforded by this section shall not be available as a defence in any proceeding if the plaintiff shows that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff.

**Proviso
saving
matters
of public
concern**

(4) Nothing in this section shall limit or abridge any privilege now by law existing or protect the publication of any matter not of public concern or the publication of which is not for the public benefit.

**Meaning of
"public
meeting"**

(5) For the purposes of this section the expression "public meeting" means a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern whether the admission thereto be general or restricted.

**Report of
proceedings
in court
privileged**

11. A fair and accurate report without comment in a newspaper of proceedings publicly heard before a court of justice if published contemporaneously with such proceedings shall be absolutely privileged unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff.

**Publication
of improper
matter not
authorised**

(2) Nothing in this section shall authorise the publication of any blasphemous, seditious or indecent matter.

**Security
for costs**

12. When the defendant in any action for libel contained in a newspaper alleges by affidavit of himself or his agent that he has a good defence to the action upon its merits (showing the matter of such defence) or that the grounds of action are trivial or frivolous and that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment is given in favour of the defendant, such defendant shall be entitled to a summons to show cause

why an order should not issue requiring the plaintiff to give security for the defendant's costs and upon the return of such summons the judge may make an order that the plaintiff shall give security for costs within such time and subject to such conditions as may be ordered and the order shall be a stay of proceedings until the security is given.

(2) Where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs under this Act unless he satisfies the court or judge that the action is trivial or frivolous or that the circumstances which under section 8 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstances that the article complained of involves a criminal charge. Where libel involves a criminal charge

(3) For the purposes of this section the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim. Examination of plaintiff

13. An action for libel contained in a newspaper shall be tried in the judicial district where the chief office of such newspaper is or in the judicial district wherein the plaintiff resides at the time the action is brought; but upon the application of either party the court or a judge may direct the action to be tried or the damages to be assessed in any other judicial district if it appears to be in the interests of justice or that it will promote a fair trial and may impose such terms as to the payment of witness fees and otherwise as may seem proper. Place of trial

14. An action for libel contained in a newspaper shall be commenced within six months after the publication thereof has come to the notice or knowledge of the person defamed; but where an action is brought and is maintainable for a libel published within that period the same may include a claim for any other libel published against the plaintiff by the defendant in the same newspaper within a period of two years before the commencement of the action. Time within which action must be brought

15. No defendant shall be entitled to the benefit of sections 8 and 14 of this Act unless the name of the proprietor and publisher and address of publication is stated either at the head of the editorials or on the front page of the newspaper. Publication of name of publisher and address

(2) The production of a printed copy of a newspaper shall be *prima facie* evidence of the publication of the said printed copy and of the truth of the statements mentioned in subsection (1). Copy of newspaper to be prima facie evidence

(3) Service of the writ of summons may be made upon the proprietor or publisher of the newspaper by serving the same upon any grown up person at such address. Service of writ of summons

Evidence in mitigation of damages

16. In an action for libel contained in a newspaper the defendant may prove in mitigation of damages that the plaintiff has already brought actions for or has recovered damages or has received or agreed to receive compensation in respect of the same libel or a libel substantially the same published in another newspaper.

Annual return to be made

17. It shall be the duty of the publisher for the time being of every newspaper to make or cause to be made to the provincial secretary on or before the first day of July, 1910, and thereafter annually in the month of June in every year a return of the following particulars according to the schedule A to this Act, that is to say:

- (a) The title of the newspaper; and
- (b) The names of all the proprietors, of the editor and of the publisher of such newspaper together with their respective places of residence.

Penalty for omission to make annual returns

18. If within the period of one month after the time hereinafter appointed for the making of any return as to any newspaper such return is not made then each publisher of such newspaper shall on summary conviction thereof be liable to a penalty not exceeding \$50 and also be directed by a summary order to make a return within a specified time.

Penalty for wilful misrepresentation in or omission from return

19. If any person shall knowingly and wilfully make or cause to be made any return by this Act required or permitted to be made in which shall be inserted or set forth the name of any person as a proprietor, editor or publisher of a newspaper who shall not be a proprietor, editor or publisher thereof, as the case may be, or in which there shall be any misrepresentation or from which there shall be any omission in respect of any of the particulars by this Act required to be contained therein whereby such return shall be misleading or if any proprietor, editor or publisher of a newspaper shall knowingly and wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name or place of residence then in every such case every such offender shall on summary conviction thereof be liable to a penalty not exceeding \$50.

Provincial secretary to enter returns in register

20. It shall be the duty of the provincial secretary to register every return made in conformity with the provisions of this Act in a book to be kept for that purpose at his office and called "the register of newspapers;" and all persons shall be at liberty to search and inspect the said book from time to time during the hours of business at the said office and any person may require a copy of any entry in or an extract from the book to be certified by the provincial secretary.

21. Upon any person ceasing to be a proprietor, editor or publisher of a newspaper or upon any new person becoming a proprietor, editor or publisher of any newspaper a supplementary return according to schedule B shall be made to the provincial secretary within ten days after such change has occurred in the ownership or in the editing or publishing of such newspaper, as the case may be.

22. There shall be paid in respect of the receipt and entry of returns made in conformity with the provisions of this Act and for the inspection of the register of newspapers and for certified copies of any entry thereof and in respect of any other services to be performed by the provincial secretary such fees, if any, as the Lieutenant Governor in Council may direct.

23. Every copy of an entry in or extract from the register of newspapers purporting to be certified by the provincial secretary shall be received as conclusive evidence of the contents of the said register of newspapers so far as the same appear in such copy or extract without proof of the signature thereto; and every such certified copy or extract shall in all proceedings be accepted as sufficient *prima facie* evidence of all the matters and things thereby appearing unless and until the contrary thereof be shown.

SLANDER OF WOMEN.

24. In any action of slander founded on words spoken of the plaintiff imputing unchastity or adultery to a female, whether married or unmarried, it shall not be necessary to allege or prove any special damage but such words shall be actionable *per se*.

25. Chapter 30 of *The Consolidated Ordinances 1898*, Repeal intituled "*An Ordinance to amend the Law relating to Slander*" is repealed.

SCHEDULE A.

(Section 17.)

RETURN of Newspapers made pursuant to *The Libel and Slander Act*.

Title of the newspaper	Names and addresses of proprietors	Names and addresses of editors	Names and addresses of publishers

SCHEDULE B.

(Section 21.)

SUPPLEMENTARY Return of Newspapers made pursuant to
The Libel and Slander Act.

Title of the newspaper	Name and address of person ceasing to be proprietor, editor or publisher (<i>as the case may be</i>).	Name and address of person becoming new proprietor, editor or publisher (<i>as the case may be</i>).

1909

CHAPTER 17

An Act to amend The Children's Protection Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Section 9 of *The Children's Protection Act* is amended S. 9, amended by adding thereto the following subsection:

"(2) For the purposes of this Act the superintendent of neglected and dependent children shall be deemed a society."

(2) The said section 9 is further amended by striking out from paragraph 1 thereof all the words after the word "homes" where it occurs for the second time therein.

2. Section 10 of the said Act is amended by adding thereto S. 10, amended the following paragraphs:

"8. Whose only parent is undergoing imprisonment for crime;

"9. Who is in peril of loss of life, health or morality by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of the parents of such child or either of them;

"10. Whose home by reason of neglect, cruelty or depravity is an unfit place for such child."

3. Subsection (3) of section 11 of the said Act is amended S. 11 (3), amended by striking out all the words after the word "section" where it occurs in the second line thereof down to and including the word "guardians" where it occurs in the sixth line thereof.

(2) Subsection (4) of the said section 11 is amended by S. 11 (4), amended inserting after the word "judge" where it occurs in the first line thereof the words "shall file the order with the superintendent of neglected and dependent children and."

4. The said Act is amended by adding after section 16 the S. 16a, added following section:

"16a. No person shall:

"1. Induce any child to leave the building or premises or custody or control of any children's aid society; or

Interference with children prohibited

"2. Induce or attempt to induce a child under the age of twenty-one years to leave any service or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated or adopted; or

"3. Induce or attempt to induce any child under the age of twenty-one years to break any articles of agreement lawfully entered into by or with the authority of the directors of any such children's aid society; or

"4. Detain or harbour such child after demand made by or on behalf of any officer of any institution for delivery up of such child.

"(2) Any person who violates the provisions of this section shall be guilty of an offence against this Act and shall incur a penalty not exceeding \$20 and costs and in default of payment of the penalty and costs shall be liable to imprisonment for any period not exceeding thirty days."

1909

CHAPTER 18

An Act to ratify certain Voters' Lists.

[Assented to December 10, 1909.]

WHEREAS doubts have arisen concerning the validity of ^{Preamble} the voters' lists purporting to be prepared by the clerk of the executive council according to the provisions of section 134 of *The Liquor License Act* and it is advisable to remove the said doubts:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The lists heretofore prepared by the clerk of the executive council and furnished by him to the respective councils of the towns and rural municipality named in the schedule to this Act and bearing the seal of the province shall notwithstanding any informality or irregularity in substance or in form in the said lists or in the voters' list or voters' lists from which the same were prepared or in anything touching or affecting the said lists or voters' lists or any of them and notwithstanding anything in *The Saskatchewan Election Act* or in *The Liquor License Act* contained be and be deemed to have been for the year 1909 the voters' lists for the purpose of taking a vote on local option bylaws under the provisions of *The Liquor License Act* and for the purpose of all things preliminary to the taking of such vote in the said respective towns and rural municipality named in the schedule to this Act; and the validity of the lists so furnished by the clerk of the executive council shall not be questioned in any court.

SCHEDULE.

Town of Moosomin.
Town of Yellow Grass.
Town of Milestone.
Town of Sintaluta.
Town of Wolseley.
Town of Hanley.
Rural Municipality of Indian Head.

✓ 1909

CHAPTER 19

An Act respecting Security by Guarantee Companies.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Guarantee Companies Securities Act.*"

INTERPRETATION.

**Interpre-
tation** 2. In this Act unless the context otherwise requires the
expression:

**"Guarantee
company"** 1. "Guarantee company" means an incorporated company
empowered to grant guarantees, bonds, policies or contracts for
the integrity and fidelity of employed persons or in respect of
any legal proceedings or for other like purposes approved by
the Lieutenant Governor in Council.

**Bonds of
guarantee
company
may be
taken by
officer and
others** 3. Where any judge, functionary, officer or person is
entitled or required to take security by bonds with sureties he
may in lieu thereof take the bond, policy or guarantee contract
of a guarantee company of the like nature and effect.

**Person
required
to give
security
may give
bond of
guarantee
company** 4. Where any person is required to give security by bond
with sureties he may in lieu thereof furnish the bond, policy or
guarantee contract of a guarantee company of the like nature
and effect.

**Justification
not
required** 5. The guarantee company shall not be bound or required
to justify.

**Bond of
company
may be
substituted
for other
bonds** 6. The bond, policy or guarantee contract of a guarantee
company may be taken instead of or in substitution for any
existing security if the judge, functionary, officer or person
mentioned in section 3 hereof sees fit and so directs and when
taken the existing security shall be delivered up to be cancelled.

**Interim
receipt
in lieu
of bond** 7. The interim receipt of a guarantee company may be
accepted in lieu of a bond, policy or guarantee contract but the
latter shall be furnished within one month.

**Orders in
council
approving
of
guarantee
company** 8. Notice of every order in council approving of a guar-
antee company shall immediately after the making thereof be
published in *The Saskatchewan Gazette.*

/ 1909

CHAPTER 20

An Act to amend The Land Titles Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. *The Land Titles Act* is amended by striking out the words "inspector of land titles offices" and "inspector" wherever they occur therein and substituting therefor the words "master of titles" or "master," as the case may be. ^{1906, c. 24, amended}

2. Section 23 of the said Act is amended by inserting therein after the word "be" in the second line thereof the words "to perform the duties of the master of titles by this Act prescribed and." ^{s. 23, amended}

3. Section 27 of the said Act is amended by adding thereto the words "or unless he has been employed for a period of at least three years in a land titles office in this province." ^{s. 27, amended}

4. Subsection (1) of section 53 of the said Act as amended by section 2 of chapter 29 of the Acts of 1908 is amended by adding thereto the following proviso: ^{s. 53 (1), as amended by 1908, c. 29, s. 2, amended}

"Provided that the right and title to all mines and minerals which may be found to exist under such land shall continue to be vested in the said owner and his assigns; and the said Act shall be construed as though the said proviso had always been contained therein."

5. Section 72 of the said Act is amended by inserting therein after the word "transferee" in the fourth line thereof the words "with the transferor and so long as such transferee shall remain the registered owner with the mortgagee or incumbrancee." ^{s. 72, amended}

6. Section 82 of the said Act is amended by striking out all the words after the word "created" where the same occurs in the ninth line thereof. ^{s. 82, amended}

(2) Form S of the schedule of the said Act is amended by striking out the words "subject however to such incumbrances, liens and interests as are notified by memorandum under-written (or indorsed hereon)" where they occur therein. ^{Form S, amended}

Ss. 87, 89,
90 (4), and
Form AA,
amended

7. Sections 87, 89, subsection (4) of section 90 and form AA in the schedule to the said Act are hereby amended by striking out the word "Dominion" wherever it occurs therein and by substituting therefor the word "Saskatchewan."

S. 90 (5),
as amended
by 1908,
c. 29, s. 5,
amended

8. Subsection (5) of section 90 of the said Act as amended by section 5 of chapter 29 of the Acts of 1908 is amended by adding thereto the following proviso:

"Provided that the right and title to all mines and minerals which may be found to exist under such streets, lanes, parks or public reserves shall continue to be vested in the said owner and his assigns; and the said Act shall be construed as though the said proviso had always been contained therein."

S. 97 (1),
amended

9. Subsection (1) of section 97 of the said Act is amended by striking out the word and letter "form I" where the same occur in the fifth line thereof and substituting therefor the word and letter "form P."

Form P,
amended

(2) Form P in the schedule to the said Act is amended by striking out the word "lessee" where it occurs therein and substituting therefor the word "lessor."

S. 98 (3),
amended

10. Subsection (3) of section 98 of the said Act is amended by striking out all the words after the word "land" where the same occurs in the sixth line thereof.

Form I,
amended

(2) The form I in the schedule to the said Act is amended by striking out the words "subject however to such incumbrances, liens and interests as are notified by memorandum underwritten (or indorsed hereon)" where they occur therein and further by striking out the brackets and the words contained therein in the second last line thereof.

S. 136,
amended

11. Section 136 of the said Act is amended by adding thereto the following subsections:

Caveat
forbidden
in certain
cases

"(2) On, from and after the first day of January, 1910, no caveat may be lodged with the registrar which has annexed thereto or indorsed thereon or which refers to or is founded upon a writing or any part thereof within the meaning of the Ordinance respecting Hire Receipts and Conditional Sales of Goods or any written order, contract or agreement for the purchase or delivery of any chattel or chattels.

Certain
contracts
to be
void

"(3) Every such writing and every such written order, contract or agreement for the purchase or delivery of any chattel or chattels made or entered into on, from and after the said first day of January, 1910, shall on, from and after the said day whether or not it is the subject-matter of a claim by way of caveat under the provisions of this Act be in so far as it affects or purports to affect land in Saskatchewan abso-

lutely null and void to all intents and purposes whatsoever anything contained in any Act to the contrary notwithstanding.

“(4) If by inadvertence, accident or the nonperformance of ^{Lodgment, although effected, void} duty on the part of the registrar or otherwise howsoever a caveat is lodged with the registrar contrary to the provisions of this section such lodgment shall nevertheless be absolutely null and void to all intents and purposes whatsoever.”

(2) Form W in the schedule to the said Act is repealed and the following form W is substituted therefor: ^{Form W, repealed; new Form W}

“FORM W.

(Section 137.)

CAVEAT.

To the Registrar

District.

Take notice that I, A.B., of (*insert description*) claiming (*here state with particulars the nature of the estate or interest claimed and the grounds upon which such claim is founded*) in (*here describe land and refer to certificate of title*) forbid the registration of any transfer or other instrument affecting such land or the granting of a certificate of title thereto except subject to the claim herein set forth.

My address is:

Dated this day of 19 .

.....
Signature of Caveator or his Agent.

I, the above named A.B. (or C.D. agent for the above A.B.) of (*residence and description*) make oath and say:

1. That the allegations in the above caveat are true in substance and in fact, to the best of my knowledge, information and belief.

2. That the claim mentioned in the above caveat is not to the best of my knowledge, information and belief founded upon a writing or a written order, contract or agreement for the purchase or delivery of any chattel or chattels within the prohibition contained in subsection (2) of section 136 of *The Land Titles Act*.

SWORN before me at

in the day of 19 }
this day of 19 } *Signature.*

.....
(If the affidavit is by an agent a copy of the authority or power under which he claims to act is to be annexed.)”

S. 167 (1),
amended;
par. (d),
added
Improper
use of
seal of
corpora-
tions
Registra-
tion of
instrument
executed
by persons
under
disability
Retroactive

12. Subsection (1) of section 167 of the said Act is amended by adding thereto the following as paragraph (d) thereof:

“(d) By reason of the improper use of the seal of any corporation or company or by reason of the registration of any instrument executed by any person under any legal disability unless the fact of such disability was disclosed on the instrument by virtue of which such person was registered as owner.”

(2) The said Act shall be construed as though the said paragraph (d) had been always contained therein.

1909

CHAPTER 21

An Act to amend The City Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Section 2 of *The City Act* is amended by adding thereto the following as paragraph 21 thereof:

"21. 'Hawker' or 'pedler' means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the city to any person not being a wholesale or retail dealer in such goods, wares or merchandise but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail."

2. Section 54 of *The City Act* is amended by adding thereto the words "and such fee shall form part of the general revenue of the city."

3. The said Act is amended by inserting therein immediately after section 62 the following as section 62a thereof:

"62a. The financial year of the city shall commence on the first day of January and close on the thirty-first day of December in each year."

4. The said Act is amended by inserting therein immediately after section 184 thereof the following as section 184a:

"184a. In this section and in any bylaw passed under the provisions of this section unless the context otherwise requires the expression:

"(a) 'Shop' means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news agent, hotel, inn, tavern, victualling house or refreshment house, nor any premises wherein under license spirituous or fermented liquor is sold;

"(b) 'Closed' means not open for the serving of any customers:

Provided that nothing in this section or in any bylaw passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein.

Bylaw determining hours of closing

“(2) The council may by bylaw require that during the whole or any part or parts of the year all or any class or classes of shops within the city shall be closed and remain closed on each or any day of the week at and during any time or hours between seven o'clock in the afternoon of any day and five o'clock of the next following day.

Council to pass bylaw on application

“(3) If any application is received by or presented to the council for the passing of a bylaw requiring the closing of any class or classes of shops situate within the city and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the city and belonging to the class or each of the classes to which such application relates the council shall within one month after the receipt or presentation of such application pass a bylaw giving effect to the said application and requiring all shops within the city belonging to the class or classes specified in the application to be closed during the period of the year and at the times and hours mentioned in that behalf in the application.

Commencement and publication of bylaws

“(4) Every such bylaw shall take effect at a date named therein being not less than one nor more than two weeks after the passing thereof and shall before that date be published in such manner as to the council may appear best fitted to insure the publicity thereof.

Repeal of bylaws restricted

“(5) The council shall not have power to repeal a bylaw passed pursuant to subsection (3) except as provided in the next following subsection.

When bylaw may be repealed

“(6) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any bylaw passed by the council under the authority of subsection (3) of this section relates or of any class of such shops are opposed to the continuance of such bylaw the council may repeal the said bylaw or may repeal the same in so far as it affects such class of shops as aforesaid; but any such repeal shall not affect the power of the council to pass thereafter another bylaw under any of the provisions of this section.

Closing of shops in which several trades are carried on

“(7) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades at the hours at which it is by any such bylaw required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop.

"(8) A pharmaceutical chemist or chemist and druggist shall not be liable to any fine, penalty or punishment under any such bylaw for supplying medicines, drugs or medical appliances after the hour appointed by such bylaw for the closing of shops; but nothing herein contained shall be deemed to authorise any person whomsoever to keep open shop after the said hour. Exception as to sales by druggists

"(9) Nothing in any such bylaw contained shall render the occupier of any premises liable to any fine, penalty or punishment for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death; but nothing herein contained shall be deemed to authorise any person whomsoever to keep open shop after the hour appointed by such bylaw for the closing of shops." Supplying articles in emergency

5. Paragraph (b) of subsection (1) of section 185 of the said Act is repealed and the following paragraph (b) substituted therefor: S. 185 (1), par. (b), repealed; new par. (b)

"(b) Bonusing whether by way of the payment of a lump sum or periodical payments or otherwise, exempting from taxation beyond the current year, subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or corporation in respect of any industrial, commercial, charitable or engineering undertaking."

6. Section 202 of the said Act is amended by adding thereto the following as subsection (2) thereof: S. 202, amended

"(2) The signatures on coupons attached to debentures may be engraved or lithographed."

7. Paragraph 5 of subsection (1) of section 309 of the said Act is amended by striking out the words "incorporated hospital" in the fifth line thereof and substituting therefor the words "hospital which receives public aid under and by virtue of *The Hospitals Ordinance*." S. 309 (1), par. 5, amended

8. Subsection (5) of section 310 of the said Act is hereby amended by inserting the words "to the city" between the words "fee" and "in" in the fifth line thereof. S. 310 (5), amended.

9. The said section 310 is further amended by adding thereto the following as subsection (7) thereof: S. 310, amended; s.s. 7, added

"(7) Whenever two or more persons are as business partners, joint tenants, tenants in common or by any other kind of joint interest the owners or occupants of any land or of any building liable to taxation hereunder the name of each of such persons shall be entered on the assessment roll in respect of his interest or share of or in such land or building." Assessment of partners, joint tenants, etc.

S. 315a,
added

10. The said Act is amended by inserting therein immediately after section 315 thereof the following as section 315a:

Public
entertainment

"315a. The council of any city may include in the annual estimates a sum of money to be expended in the reception and entertainment of distinguished guests and in payment of any travelling expenses necessarily incurred in and about the business of the corporation and a sum of money as a grant to any duly incorporated board of trade therein."

S. 347,
repealed;
new S. 347

11. Section 347 of the said Act is hereby repealed and the following substituted therefor:

Arrears of
taxes

"347. In the event of any taxes remaining unpaid after thirty-first day of December of the year in which the same are imposed there shall be added thereto by way of penalty a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by section 327 hereof are created a special lien upon land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes."

✓ 1909

CHAPTER 22

An Act to amend The Town Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 47 of *The Town Act* is amended by adding ^{1908,}
thereto the following words "and such fee shall form part of ^{C. 17, s. 47,} ~~amended~~
the general revenue of the town."

2. The said Act is amended by inserting immediately after ^{S. 11a,}
section 11 the following as section 11a thereof: ^{added}

"11a. The Lieutenant Governor in Council may upon the ^{Severance}
request of the council of any town sever from such town any ^{of portions}
portion thereof and make due provision for the settlement and ^{of towns}
adjustment of all matters arising out of such severance; such
severance shall take effect on such date and on such terms and
conditions as the Lieutenant Governor in Council may by
proclamation provide."

3. The said Act is amended by inserting therein immedi- ^{Ss. 53a,}
ately after section 53 thereof the following as sections 53a ^{and 53b,} ^{added}
and 53b:

"53a. On or before the first day of March in each year the ^{Abstract of}
auditor or auditors shall prepare in such form as the minister ^{receipts,}
of municipal affairs may direct an abstract of the receipts, ^{expendi-}
expenditures, assets and liabilities of the town for the financial ^{tures,}
year ending on the thirty-first day of December of the pre- ^{etc., for}
ceding year including a statement showing the total amount ^{the year}
of debentures authorised to be issued, the debentures actually
issued, those actually sold or otherwise and how disposed of
and those remaining on hand; he shall make a special report
respecting any expenditures made contrary to law; he shall
deliver the said abstract and report to the mayor who shall
lay the same before the council at its next meeting; and the
council shall on or before the first day of April in each year
cause the said abstract and report or a synopsis thereof to be
published in some newspaper published in the town or if
there is no newspaper published therein in the newspaper the
place of publication of which is nearest thereto and shall
cause a copy of such abstract and report to be forwarded to
the minister of municipal affairs.

**Financial
year**

"53b. The financial year of the town shall commence on the first day of January and close on the thirty-first day of December in each year."

**S. 58,
amended**

4. Section 58 of the said Act is amended by inserting the words "commissioner for oaths or" between the words "any" and "justice" in the fourth line thereof.

**S. 60,
amended**

5. Section 60 of the said Act is amended by adding thereto the words "or commissioner for oaths."

**S. 75 (1),
amended**

6. Subsection (1) of section 75 of the said Act is amended by adding thereto the following words: "and thereafter one-half the required number of councillors shall be elected annually and shall hold office for two years unless otherwise provided."

**S. 169,
amended
Par. 69a,
added****Prohibiting
erection of
certain
buildings**

7. Section 169 of the said Act is further amended by inserting the following therein as paragraph 69a thereof:

"69a. Prohibiting the erection of any building used or to be used as a livery stable, blacksmith shop, laundry, creamery or lumber, coal or wood shed in such parts of the town as the council may designate:

"Provided that no such bylaw shall prohibit the continued maintenance for any of the said purposes of any building used for such purposes at the time of the passing of such bylaw."

**S. 171,
amended**

8. Section 171 of the said Act is amended by striking out the words "three months" in the third line thereof and by substituting therefor the words "thirty days."

**S. 172,
amended**

9. Section 172 of the said Act is amended by striking out all the words in the first line thereof down to and including the word "in" in the second line and by substituting therefor the words "If such person be admitted as patient by" and by striking out the words "seventy-five cents" in the fourth line and by substituting therefore the words "one dollar."

**S. 184
amended****Proviso**

10. Section 184 of the said Act is amended by adding thereto the following proviso:

"Provided that no town shall have power to pass such bylaw for contracting debts to a greater extent than ten per cent. of the rateable property in the town except as provided in section 48 of *The Municipal Public Works Act*."

**S. 186
amended**

11. The proviso to section 186 of the said Act is hereby repealed.

**S. 193
amended**

12. Section 193 of the said Act is amended by adding thereto the following as subsection (2) thereof:

"(2) The signatures on the coupons attached to such debentures may be engraved or lithographed." Signatures engraved

13. Subsection (1) of section 278 of the said Act is amended by striking out the words "secretary treasurer" in the first line thereof and substituting therefor the word "assessor." S. 278 (1), amended

14. Paragraph 5 of section 301 of the said Act is repealed. S. 301, par. 5, repealed

15. Subsection (5) of section 302 of the said Act is amended by inserting the words "to the town" between the words "fee" and "in" in the fifth line thereof. S. 302 (5), amended

16. Section 302 of the said Act is further amended by adding thereto the following as subsection (7) thereof: S. 302, amended; s. s. 7, added

"(7) Whenever two or more persons are as business partners, joint tenants, tenants in common or by any other kind of joint interest the owners or occupants of any land or of any building liable to taxation hereunder the name of each of such persons shall be entered on the assessment roll in respect of his share or interest of or in such land or building." Assessment of partners, joint tenants, etc.

17. Section 306 of the said Act as amended by section 21 of chapter 15 of the Statutes of 1908-9 is amended by inserting the word "rates" between the words "debenture" and "school" in the ninth line thereof and the said Act shall be construed as though the word "rates" had always been therein contained. S. 306, as amended by 1908-9, c. 15, s. 21, amended

18. Subsection (1) of section 312 of the said Act is amended by inserting the words "or secretary treasurer" between the words "assessor" and "shall" in the second line thereof. S. 312 (1), amended

19. The proviso to subsection (2) of section 312 of the said Act is repealed and the following substituted therefor: S. 312 (2), proviso repealed

"Provided that any person assessed in respect of business whose business tax would be less than \$10 shall be taxed \$10 and provided further that any person whose total tax would be less than \$2 shall be taxed \$2." Proviso

20. Section 337 of the said Act is hereby repealed and the following substituted therefor: S. 337, repealed; new s. 337

"337. In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are imposed there shall be added thereto by way of penalty a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by section 317 hereof are created a special lien upon land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes." Arrears of taxes

1909

CHAPTER 23

An Act to amend The Village Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1908, c. 18,
s. 2, par. 5,
subpar. (a),
repealed;
new
subpar. (a)

Resident
elector
before
completion
of assess-
ment roll

1. Subparagraph (a) of paragraph 5 of section 2 of *The Village Act* is hereby repealed and the following substituted therefor:

“(a) For the purpose of any village election held prior to the completion of the first revised assessment roll of the village any person of the full age of twenty-one years who is actually residing in the village or within two miles of the limit thereof and who has so resided as aforesaid and owned or been the occupant of assessable real or personal property in the village as provided by this Act for a period of at least two months immediately prior to the date of such election.”

Subpar. (b)
amended

(2) Subparagraph (b) of paragraph 5 of section 2 of the said Act is hereby amended by inserting after the word “village” where it occurs in the second line thereof the words “or within two miles of the limits thereof.”

1908, c. 18,
s. 128 (3),
repealed

s. 131
repealed;
new s. 131

Financial
year

2. Subsection (3) of section 128 of the said Act is repealed.

3. Section 131 of the said Act is repealed and the following substituted therefor:

“131. The financial year of the village shall commence on the first day of January and close on the thirty-first day of December in each year.”

1908, c. 18
amended;
s. 134a,
added

Abstract of
receipts,
expendi-
tures, etc.,
for the
year

4. The said Act is amended by inserting therein immediately after section 134 the following as section 134a thereof:

“134a. On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures, assets and liabilities of the village for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those

remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the overseer who shall lay the same before the council at its next meeting; and the council shall on or before the first day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the village or if there is no newspaper published therein in the newspaper the place of publication of which is nearest thereto and shall cause a copy of such abstract and report to be forwarded to the minister."

5. Section 136 of the said Act is amended by adding thereto the following as paragraph 35 thereof:

S. 136,
amended;
par. 35,
added

"35. Prohibiting the maintenance or erection of any building used or to be used as a livery stable, blacksmith shop, laundry, creamery or lumber, coal or wood shed in such parts of the village as the council may designate:

Prohibition
of erection
of livery
stables, etc.

"Provided that no such bylaw shall prohibit the continued maintenance for any of the said purposes of any building used for such purpose at the time of passing such bylaw."

Proviso

6. The said Act is amended by inserting therein immediately after section 136 the following as section 136a thereof:

S. 136a,
added

"136a. When the council has authority to direct by bylaw that any matter or thing shall be done by any person the council may also direct by the same or another bylaw that in default of its being done by such person such matter or thing shall be done at the expense of the person in default and the village may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes."

Council
may do
omitted
work

7. Paragraph 1 of section 145 of the said Act is repealed and the following substituted therefor:

"1. To enter upon, take, use and acquire for the use of the village so much real property within or without the village as may be required for a public park, recreation grounds, exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon a municipal building without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto and in the event of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Ordinance*:

Acquisition
of lands

"Provided that in any one year no expenditure of more than \$300 shall be incurred under the provisions of this paragraph until a bylaw shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those

Proviso

voting thereon; and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the village on a bylaw for raising money by way of debentures."

S. 151,
amended

8. Section 151 of the said Act is amended by striking out the word "may" in the first line thereof and substituting therefor the word "shall" and further by striking out the words "three months" in the third line thereof and substituting therefor the words "thirty days."

S. 152,
amended

9. Section 152 of the said Act is amended by striking out all the words from the commencement thereof down to and including the word "in" in the second line thereof and substituting therefor the words "If such person is admitted as a patient by."

S. 179a,
added

10. The said Act is further amended by inserting therein immediately after section 179 the following as 179a thereof:

Assessment
of partners,
etc.

"179a. Whenever two or more persons are as business partners, joint tenants, tenants in common or by any other kind of joint interest the owners or occupants of any real property or the owners of any personal property liable to taxation hereunder the name of each of such persons shall be entered on the assessment roll in respect of his share or interest of or in such property."

S. 180,
amended

11. Section 180 of the said Act is amended by adding thereto the following subsection:

Income
tax

"(2) Any person who is assessed and taxed in respect of real property and income derived from wages or salary shall be liable to pay in addition to the amount of his taxes on such real property, as the case may be, only the amount, if any, by which his taxes on such income exceeds his taxes on such real property as aforesaid."

S. 180a,
added

12. The said Act is further amended by inserting therein immediately after section 180 the following as section 180a thereof:

Mode of
assessment

"180a. Land shall be assessed at its fair actual value and buildings and improvements thereon at sixty per cent. of their actual value; in estimating its value regard shall be had to its situation; in case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be substantial if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed."

13. Subsection (2) of section 211 of the said Act is amended <sup>S. 211 (2),
amended</sup> by striking out the symbol and figure "\$1" in the second and fourth lines thereof and substituting therefor the symbol and figure "\$2."

14. Form A in the schedule to the said Act is amended by <sup>Form A,
amended</sup> striking out the words "undersigned overseer" in the first and second lines thereof and substituting therefor the word "council" and further by striking out the words "on behalf of the said village" in the third line thereof.

1909

CHAPTER 24

An Act to amend The Rural Municipality Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1908-9,
c. 6, s. 182,
repealed;
new s. 182
Financial
year

1. Section 182 of *The Rural Municipality Act* is repealed and the following substituted therefor:

"182. The financial year of the municipality shall commence on the first day of January and close on the thirty-first day of December in each year."

s. 184,
amended

2. Subsection (1) of section 184 is amended by striking out the words "financial year" in the fourth line thereof and substituting therefor the words "ten months."

S. 185a,
added

3. The said Act is amended by inserting therein immediately after section 185 the following as section 185a thereof:

Abstract of
receipts,
expendi-
tures,
etc., for
the year

"185a. On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures, assets and liabilities of the municipality for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the reeve who shall lay the same before the council at its next meeting; and the secretary on or before the first day of April in each year shall mail a copy of such abstract and report to the minister and to every elector of the municipality."

S. 209,
repealed;
new s. 209

4. Section 209 of the said Act is repealed and the following substituted therefor:

Restraining
and
regulating
the running
at large of
animals

"209. The council may at any time determine by bylaw the period, if any, during each year during which cattle may run at large within the municipality or within such portion thereof as may be designated by such bylaw and may make due provision by such bylaw for restraining and regulating the

running at large or trespass of any animals within the municipality or such portion thereof as aforesaid and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to and sustenance supplied for animals distrained or impounded and for appraising the damages to be paid by the owners of animals impounded for trespassing:

"Provided that no such bylaw shall take effect until the expiration of two months after the passing thereof."

5. Section 222 of the said Act is amended by striking out s. 222, the word "may" in the second line thereof and substituting^{amended} therefor the word "shall."

6. Section 223 of the said Act is amended by striking out s. 223, all the words from the commencement thereof down to and^{amended} including the word "in" in the second line thereof and substituting therefor the words "If such person is admitted as a patient by".

7. Section 296 of the said Act is further amended by s. 296^{amended} adding thereto the following proviso:

"Provided further that taxes imposed at any time under^{Proviso} *The Local Improvements Act* upon lands within the municipality shall be collected by the municipality."

8. Paragraph 6 of subsection (1) of section 299 of the s. 299 (1),^{par. 6, amended} said Act is amended by inserting the words "levied under" between the words "taxes" and "due" therein.

✓ 1909

CHAPTER 25

An Act to amend The Local Improvements Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1906, c. 36,
s. 3 as
enacted by
1908-9,
c. 7, s. 2,
amended

Proviso

1. Section 3 of *The Local Improvements Act* is amended
by adding thereto the following provisos:

"Provided that the person who was secretary of each such
district shall continue to collect taxes that were immediately
before such disorganisation due such district until notified by
the minister to cease at which time he shall give to the secretary
of the district or districts or of the rural municipality or rural
municipalities, as the case may be, entitled thereto according
to the adjustment made of the assets and liabilities of the
district disorganised all funds so received by him and all other
funds which he may have on hand apportioned to any township
that was comprised in the district so disorganised and shall
forward a statement thereof to the minister:

Proviso

"Provided further that such person shall in 1910 compile the
return of arrears mentioned in subsection (1) of section 84
hereof and for such service and any other service performed by
him after said thirteenth day of December, 1909, he shall be
paid rateably by the districts and rural municipalities that
include any township or part thereof that formed a part of the
district so disorganised:

Proviso

"And provided further that such person shall retain and be
accountable for the safe keeping of the funds, books, records
and documents that belonged to the district so disorganised
until the minister notifies him what disposition to make
thereof."

s. 20, as
enacted by
1908-9,
c. 7, s. 6,
repealed;
new s. 20

Election by
acclamation

2. Subsection (1) of section 20 of the said Act as enacted
by section 6 of chapter 7 of the Statutes of 1908-9 is repealed
and the following substituted therefor:

"20. The returning officer for each division shall at the time
and place mentioned in the notice to electors declare the meeting
open and submit a copy of the interim statement referred to in
section 68 hereof which statement may be considered and dis-
cussed until three o'clock in the afternoon when the returning
officer shall call for nominations and thereupon any elector
may propose or second the name of any duly qualified person

to serve as councillor for such division and nominations may be received from three o'clock as aforesaid until half past three in the afternoon (mountain standard time) when if only one such person is nominated the returning officer shall declare such person duly elected."

3. Subsection (2) of section 20 of the said Act as enacted by section 6 of chapter 7 of the Statutes of 1908-9 is amended by striking out the words "two o'clock till four" in the third line thereof and substituting therefor the words "three o'clock till five;" and by striking out the word "four" in the fifth line thereof and substituting therefor the word "five."

S. 20 (2),
as enacted
by 1908-9,
c. 7, s. 6 (2),
amended

4. Subsection (1) of section 25 of the said Act is amended by striking out the words "at the hour of two p.m."

S. 25 (1),
as amended
by 1908-9,
c. 7, s. 7,
amended

5. Subsection (2) of the said section 25 is amended by inserting the words "receiving the interim statement referred to in section 68 hereof and of" between the words "of" and "electing" in the seventh line thereof and by adding thereto the following proviso:

S. 25 (2),
as amended
by 1908-9,
c. 7, s. 8,
amended

"Provided however that in the case of the first election in any district such notice shall be in such form as the minister may prescribe and the proceedings at such meeting shall be conducted accordingly."

Proviso

6. Paragraph 11 of section 45 of the said Act is hereby repealed.

S. 45, par. 11,
repealed

7. Section 50 of the said Act is amended by adding thereto the following proviso:

S. 50,
amended

"Provided further that taxes levied at any time under this Act against lands included in such district may be collected by the district and applied as part of its funds."

Proviso

8. Section 55 of the said Act is hereby amended by striking out the words "since the constitution of the district" in the fifth and sixth lines thereof and substituting therefor the words "levied at any time under this Act."

S. 55,
amended

9. Section 68 of the said Act is hereby repealed and the following substituted therefor:

S. 68,
repealed;
new s. 68

"68. On or before the fifteenth day of November in each year the council shall cause to be prepared in such form as the minister may prescribe an interim statement of the receipts, expenditures, assets and liabilities of the district for the ten months ending on the thirty-first day of October then last past distinguishing between the receipts and expenditures of each division of the district."

Council to
cause
statement
to be
prepared
showing
receipts,
etc.

"(2) A copy of such statement shall be forwarded by the secretary to the returning officer of each division for presentation at the annual meeting of electors."

Copy to be
presented
at annual
meeting

S. 70,
amended;
ss. 3,
added
Financial
year

10. Section 70 of the said Act is amended by adding thereto the following as subsection (3) thereof:

"(3) The financial year of the district shall commence on the first day of January and end on the thirty-first day of December in each year."

S. 83,
repealed;
new s. 83

11. Section 83 is repealed and the following substituted therefor:

"83. On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures, assets and liabilities of the district for the financial year ending on the thirty-first day of December of the preceding year; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the chairman who shall lay the same before the council at its next meeting; and the secretary on or before the first day of April in each year shall mail a copy of such abstract and report to the minister and to every elector of the district."

S. 90,
repealed;
new s. 90

12. Section 90 of the said Act is hereby repealed and the following substituted therefor:

Exemptions

"90. In any district or large district the property exempt from taxation under the provisions of this Act shall be:

"1. All land held by his Majesty for the public use of the province;

"2. All land held by or in trust for the use of any tribe of Indians;

"3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;

"4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;

"5. The land in use as a public cemetery not exceeding twenty-five acres;

"6. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*."

Form E
repealed;
new
form E

13. Form E in the schedule to the said Act is hereby repealed and the following substituted therefor:

FORM E.

Local Improvement District

Division No.

(Give full description of the area included in division.)

Public notice is hereby given that a meeting of the electors of the division aforesaid will be held at *(description of place)* on Monday, the *(here fill in the date on which the second Monday in December falls)* day of December, 19 , at the hour of two o'clock in the afternoon (mountain standard time) when the interim statement of the receipts and expenditures, assets and liabilities of the district will be submitted.

From two o'clock aforesaid until three o'clock p.m. the said report may be considered and discussed.

From three o'clock aforesaid to 3.30 o'clock p.m. names will be received in nomination and if necessary from 3.30 o'clock aforesaid to 5 o'clock p.m. a poll shall be open and held for the election of a councillor for the said division for the ensuing year.

Dated at this day of 19 .

.....
Returning Officer.

14. The said Act is further amended by adding thereto the following sections: Ss. 97, to 106, added

"RESTRAINING ANIMALS AT LARGE.

"97. On the first day of May next following the organisa- Herd and
Pound
District
Ordinances
not in force
tion of any district all the provisions of *The Herd Ordinance* and *The Pound District Ordinance* shall cease to be operative within such district.

"98. The council may at any time determine by resolution the period, if any, during each year during which cattle may run at large within the district or within such portion thereof as may be designated by such resolution and may make due provision by such resolution for restraining the running at large or trespass of any animals within the district or such portion thereof as aforesaid and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such resolution and for services rendered in respect to and sustenance supplied for animals distrained or impounded and for appraising the damages to be paid by the owners of animals impounded for trespassing: Restraining
and
regulating
running
at large
of animals

"Provided that no such resolution shall take effect until the expiration of two months after the date of the passing thereof. Proviso

Penalty for
improper
impounding

"99. If any pound keeper impounds or assists or incites or employs any person to impound any animal in any district unless such animal was an estray or was trespassing upon the pound keeper's own land he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.

Notices
to be
given by
pound
keeper
where
owner
known

"100. If the owner of any impounded animal is known to the pound keeper as the owner of such animal the pound keeper shall forthwith deliver at or post by registered mail to the address of such owner a notice in the form hereinafter provided.

Where
owner not
known

"(2) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claim for damages the pound keeper shall forward to the government printer for insertion in two consecutive issues of *The Saskatchewan Gazette* a notice in the form of this section.

"(3) The notice referred to in the two preceding subsections shall be in the following form:

To (*name of owner or Government Printer, as the case may be*):

Notice is hereby given under section 100 of *The Local Improvements Act* that (*description of animal impounded giving registered brands, if any, marks and points*) was impounded in the pound kept by the undersigned on the (*description of quarter section or other place where pound is situated*) on day the day of
19 .

.....
Signature of Pound Keeper.

Copies of
all notices
to be
posted at
pound

"101. Every pound keeper shall without charge in addition to any copies of any notice which he may be required under this Act to post or deliver post a copy of every such notice in a conspicuous place at his pound and in the nearest post office and shall keep and maintain such notice at his pound during the whole of such time to which such notice may refer.

When
impounded
animals
may be
sold

"102. When any animal shall not have been released from the pound within twenty days after the notice has been inserted in *The Saskatchewan Gazette* as in section 100 hereof mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the district one of which shall be the post office nearest the pound and at such sale the pound keeper shall be the auctioneer; and such sale shall be held at

Pound
keeper
not to have
interest
in sale

the pound or at such other place as may be designated by resolution of the council and shall commence at the hour of two o'clock in the afternoon and the pound keeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased.

"103. If more animals than one are impounded on any distress and the owner thereof is known the pound keeper shall not sell any more of such animals after he has realised from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold. When animals may not be sold
Where owner known

"(2) If the owner of the animals is unknown the pound keeper shall sell all the animals impounded. Where owner unknown

"(3) The pound keeper shall immediately after such sale send to the secretary a description of the animal sold, the date of the sale, the amount realised and the disposition thereof. Pound keeper to notify secretary

"104. No pound keeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer. Pound keeper need not be licensed as auctioneer

"105. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment: Disposal of proceeds of sale

"(a) Of any costs and charges attending such sale;

"(b) Of all sustenance fees;

"(c) To the impounder of such animal of the amount due to him for mileage charges and for damage done;

and the residue, if any, shall be paid to the owner of such animal or if not claimed at the time of sale by any person entitled thereto to the secretary of the district.

"106. Any money paid to the secretary under the provisions of the next preceding section shall be paid over to the owner of the animal sold on evidence satisfactory to the council being furnished and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the district. Owner's claim to net proceeds

15. The said Act is further amended by adding thereto the following as section 107: s. 107, added

"107. Every local improvement district shall make due provision for the care and treatment of any person who has been a resident of the district for at least thirty days who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment. Care of the sick

Demand by
hospital
board

“(2) If such person is admitted as a patient by any hospital which receives aid from the general revenue of the province the board of such hospital may demand from the local improvement district a sum not exceeding one dollar per day for each day's actual treatment and stay of the patient in such hospital.

Recovery
of payment
from
patient

“(3) Any sum thus paid by any local improvement district may be recovered from the said patient by action or by distraint by the treasurer of the local improvement district or if deemed advisable it may be added to and form part of the taxes levied by the local improvement district against land, if any, owned by the said patient and shall be collectible in the same manner and to the same extent as all other taxes of the local improvement district and in the event of the death of the said patient the local improvement district may recover from his administrators and executors the said sum.”

1909

CHAPTER 26

An Act to amend The University Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 3 of *The University Act* is amended by adding thereto the following as subsections (2) and (3) thereof: 1907, c. 24,
section 3,
amended;
s.s. (2) and
(3) added

"(2) Save with the authority of the board no person shall use or adopt in any manner whatsoever the word 'university' either alone or in conjunction with any other word or words as the name of a firm, partnership, corporation, joint stock company or otherwise howsoever as a trading name or as the name of any manufactory or of any article or thing offered or to be offered for sale.

"(3) Any person who acts in contravention of the next preceding subsection shall on summary conviction thereof be liable to a penalty not exceeding \$100." Penalty

2. Section 59 of the said Act is repealed and the following substituted therefor: s. 59,
repealed;
new s. 59

"59. The board shall from among its members appoint a chairman and also a vice chairman who in the event of the disability or absence from the province of the chairman shall possess all the powers and perform all the duties of the chairman during such disability or absence." Chairman
and vice
chairman

3. Section 69 of the said Act is amended by inserting after the word "buildings" in the second and third lines thereof the words "or for extension work in connection with the college of agriculture." s. 69,
amended

4. Section 71 of the said Act is amended by adding thereto the following as subsection (3) thereof: s. 71,
amended;
ss. (3)
added

"(3) The board shall not later than the first day of September in each year also submit to the Lieutenant Governor in Council an estimate of all expenditures intended to be made during the next ensuing year." Estimate
of expendi-
tures to be
submitted

5. Sections 77 to 83 of the said Act are hereby repealed and the following substituted therefor: Sections
77 to 83,
repealed;

- Council** "77. The council shall consist of the president, deans, professors and assistant professors of the university.
- Quorum** "78. A majority of the council shall constitute a quorum for the transaction of business.
- Chairman** "79. The president shall be chairman of the council; in his absence the council may appoint a chairman."
- S. 88
amended** 6. Subsection (1) of section 88 of the said Act is amended by striking out the word "senate" in the second line thereof and substituting therefor the word "board."

✓ 1909

CHAPTER 27

An Act to amend The Secondary Education Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 28 of *The Secondary Education Act* is repealed and the following substituted therefor:

1907, c. 25,
s. 28,
repealed;
new s. 28

"28. An annual meeting of the ratepayers of every district shall be held at the same time and place as may be appointed for the nomination of councillors or aldermen or at such other time within two days before or after the said date as may be fixed by resolution of the board of which due notice shall be given by advertisement once a week for at least two weeks previous to the said date in some newspaper published in the district."

Annual
meeting of
ratepayers

1909

CHAPTER 28

An Act to amend The School Ordinance.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1901, c. 29,
s. 7, par. 2,
amended

1. Paragraph 2 of section 7 of *The School Ordinance* is amended by inserting the words "if any" between the words "board" and "of" in the second last line thereof.

S. 15,
repealed;
new s. 15

2. Section 15 of the said Ordinance is repealed and the following substituted therefor:

Proof of
posting

"15. Satisfactory proof that the notices have been posted up as hereinbefore provided shall be furnished in such form as may from time to time be prescribed by the minister."

S. 26,
amended

3. Section 26 of the said Ordinance is amended by striking out the word "thirty" and substituting therefor the word "ten."

S. 32, par.
(e) as
amended
by 1903
(2nd sess.)
c. 27, s. 3,
amended

4. Paragraph (e) of section 32 of the said Ordinance, as amended by section 3 of chapter 27 of the Ordinances of 1903 (second session), is amended by striking out the word "declaration" and substituting therefor the words "form of proof."

S. 33 (1),
amended

5. Subsection (1) of section 33 of the said Ordinance is amended by inserting the word "substantially" between the words "been" and "complied" in the fourth line thereof.

S. 34 (2),
amended

6. Subsection (2) of section 34 of the said Ordinance is amended by striking out the word "twenty" and substituting therefor the word "ten."

S. 35 (1),
amended

7. Subsection (1) of section 35 of the said Ordinance is amended by striking out the words "the North-West Territories" and substituting therefor the word "Saskatchewan."

S. 35 (2),
amended

8. Subsection (2) of section 35 of the said Ordinance is amended by inserting the words "or number or both" between the words "name" and "of" in the second line thereof, and by inserting the words "or without such petition, if the minister deems it advisable," between the words "district" and "and" in the third line thereof.

9. Subsection (3) of section 35 of the said Ordinance is amended by inserting the words "or number or both" between the words "name" and "of" in the first line thereof. S. 35 (3), amended

10. Section 46 of the said Ordinance, as amended by section 4 of chapter 27 of the Ordinances of 1903 (second session), is amended by adding thereto the following subsection: S. 46, as amended by 1903 (2nd sess.), c. 27, s. 4, amended

"(4) Each member of the board of any district that acquires a school site in violation of the provisions of this section shall be personally liable on summary conviction, on information laid by the minister or any ratepayer of such district, to a penalty not exceeding \$100 and costs, and the members of such board shall also be personally liable but the board shall not be liable for the cost of any site so acquired and of any building erected thereon: Liability of members of board

"Provided, however, that any member of the board voting against the resolution of the board for the acquisition of such site and the erection of such building, if any, shall not be liable under this subsection." Proviso

11. Subsection (2) of section 46 of the said Ordinance, as amended by section 4 of chapter 27 of the Ordinances of 1903 (second session), is amended by striking out the words "supreme court" in the ninth line thereof and substituting therefor the words "district court of the judicial district within which such site is situated." S. 46 (2), as amended by 1903 (2nd sess.), c. 27, s. 4, amended;

12. Section 47 of the said Ordinance is amended by adding thereto the following as subsection (2) thereof: S. 47 amended; s.s. 2 added

"(2) The provisions of subsections (2) and (3) of section 46 hereof shall *mutatis mutandis* apply in the case of such site selected as aforesaid by the board of a town or village district." S. 46 (2) and s. 46 (3) applicable

13. Section 50 of the said Ordinance is amended by adding thereto the following subsection (2): S. 50, amended

"(2) When any area is added to or taken from any district the minister may by order make all provision necessary to meet the exigencies of the case respecting the assessment of property in such area and the levying, collection and application of taxes on such property or one or more of said matters for the then current year and the matters dealt with in such order shall be done according to the terms thereof and not otherwise." Powers of minister in relation to assessment and taxation in such areas

14. Section 53 of the said Ordinance is amended by striking out the words "ten o'clock in the forenoon" and substituting therefor the words "two o'clock in the afternoon." S. 53, amended

S. 61.
amended

15. Section 61 of the said Ordinance is amended by striking out the word "two" in the second line thereof and substituting therefor the word "three."

S. 64.
amended

16. Section 64 of the said Ordinance is amended by striking out the word "thirty" and substituting therefor the word "ten."

S. 68.
amended

17. Section 68 of the said Ordinance is amended by striking out the words "two hours" and substituting therefor the words "one-half hour."

S. 70.
amended

18. Section 70 of the said Ordinance is amended by adding thereto the following words: "or at such other time within two days before or after the said date as may be fixed by resolution of the board of which due notice shall be given by advertisement once a week for at least two weeks previous to the said date in some newspaper published in the district or if there is no newspaper published in the district then in the manner provided in section 54 hereof with respect to meetings in rural and village districts."

S. 71 (1).
repealed

19. Subsection (1) of section 71 of the said Ordinance is repealed and the following substituted therefor:

Notice by
trustees
to municip-
ality

"71. The trustees of every town district and of every district to which the proviso to paragraph 7 of section 2 hereof applies shall give notice to the city clerk or the secretary treasurer of the town, as the case may be, on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the board complete."

Ss. 71 (2),
72, 73 and
74 repealed

20. Subsection (2) of section 71 and sections 72, 73 and 74 of the said Ordinance are hereby repealed.

S. 77.
repealed;
new s. 77

21. Section 77 of the said Ordinance is hereby repealed and the following substituted therefor:

Contested
elections

"77. In case the validity of the election of any school trustee in any town or village district is contested the same may be tried by a judge of the district court of the judicial district within which such town or village district is wholly or mainly situated; and any person qualified to vote at such election may be the relator for the purpose; and the judge shall in such case have the like powers as in case of a contested election of a member of a municipal council under *The Controverted Municipal Elections Act*; and the proceedings and rules which obtain in such a case shall *mutatis mutandis* be followed and observed in such contested election of a school trustee."

S. 85.
amended

22. Section 85 of the said Ordinance is amended by striking out the words "the North-West Territories" and substituting therefor the word "Saskatchewan."

23. Section 88 of the said Ordinance is hereby repealed S. 88, repealed; new s. 88 and the following substituted therefor:

"88. At the meeting thus held the board shall appoint a chairman, a secretary and a treasurer or a secretary treasurer who shall respectively hold office during the pleasure of the board and the secretary and the treasurer or the secretary treasurer shall be allowed such remuneration as the board may fix." Appointment and remuneration of officers

24. Paragraph 8 of section 95 of the said Ordinance is S. 95, par. 8, amended amended by adding thereto the following: "and subject to the approval of the minister to dispose of any of its real property when no longer required for the purposes of the district."

25. Paragraph 1 of section 98 of the said Ordinance is S. 98, par. 1, repealed; repealed.

26. The said Ordinance is amended by inserting therein New s. 98a between sections 98 and 99 the following as section 98a thereof:

"98a. Every treasurer of a rural school district shall before the fifteenth day of January in each year furnish a bond or covenant of some guarantee company to be named by the minister to secure the due accounting by him for all school moneys or property that come to his hands as such treasurer which bond shall be in such form and for such amount as shall be approved of by the minister and the minister shall pay the premiums for such guarantee bond or insurance and deduct the amount thereof annually from the legislative grant to each school district; and in every case in which such guarantee company declines for any cause to give such bond or covenant in respect of any treasurer of a school district it shall be the duty of the trustees forthwith to appoint another treasurer who can furnish such bond; and the retiring treasurer shall in such case have no right to receive any salary as such beyond the proportionate part of his salary up to the time of such retirement; every such bond shall be deposited and kept in the department of education for the benefit of the school district."

27. Subsection (2) of section 99 of the said Ordinance is S. 99 (2), repealed; hereby repealed.

28. The said Ordinance is amended by inserting therein New s. 102a immediately after section 102 the following as section 102a:

"102a. Any five or more ratepayers of the district may at any time upon their several affidavits disclosing facts from which it appears that a trustee or trustees is or are guilty of gross neglect of duty or negligently or wilfully fails or fail to Proceedings for ouster of trustees for neglect of duty

carry out the provisions of the school law or is or are for any other reason whatever which reason need not be of a nature similar to those herein specified unfit to act as trustee or trustees and upon payment into court of the sum of \$15 as security for costs to abide the event of the application apply to the judge of the district court of the judicial district within which such district is wholly or mainly situated for a summons calling upon such trustee or trustees to show cause why he or they should not be ousted of the office; and where upon the return of the summons it appears to the judge by affidavit or oral evidence that such trustee or trustees or any of them is or are guilty of gross neglect of duty or negligently or wilfully fails or fail to carry out the provisions of the school law or is or are for any other reason as aforesaid unfit to act as trustee or trustees or any of them to be ousted of the office and such trustee or any of them shall thereupon become and be ousted of such office or the judge may discharge the summons and in either case with or without costs."

S. 106,
amended

29. Section 106 of the said Ordinance is amended by striking out the word "levied" in the fifth line thereof.

S. 128 (1),
amended

30. Subsection (1) of section 128 of the said Ordinance is amended by inserting the words "and countersigned by the minister as provided in section 130 hereof" between the words "district" and "be" in the twelfth line thereof.

S. 128 (2),
as amended
by 1903
(2nd sess.),
c. 27, s. 9,
amended

31. Subsection (2) of section 128 of the said Ordinance, as amended by section 9 of chapter 27 of the Ordinances of 1903 (second session), is amended by striking out the word "twenty-five" in the sixth line thereof and substituting therefor the word "thirty."

S. 131, as
amended
by 1903,
(2nd sess.),
c. 27, s. 11,
amended

32. Section 131 of the said Ordinance, as amended by section 11 of chapter 27 of the Ordinances of 1903 (second session), is amended by striking out the word and character "standard V" and substituting therefor the word and character "grade VIII."

Proviso
added

Proviso

(2) The said section 131 is further amended by inserting therein as the first proviso thereto the following:

"Provided however that in case such parent or lawful guardian is a nonresident of the district and the amount of taxes paid or payable by him to the district for the then current year or, in case the taxes for such year are not levied then, for the year last past is less than \$8 the board may before admitting to its school the child or children, ward or wards of such parent or lawful guardian require the payment of a fee for the school year equal to the difference between the said sum of \$8 and the amount of such taxes or in case a portion of the school year shall have passed then a proportionate part of such fee for the remainder of the school year."

33. Section 142 of the said Ordinance is repealed and the following substituted therefor: S. 142,
repealed;
new s. 142

"142. In every rural district in which there are at least twelve children between the ages of seven and fourteen years inclusive resident within a distance of one mile and a half from the school house as measured by the nearest travelled road it shall be the duty of the board of such district to keep the school open at least one hundred and ninety teaching days during the year: Length
of time
schools
to be open
in rural
districts

"Provided however that in the case of every newly organised rural school district this section shall not apply during the first year a school is opened in such district." Proviso

34. Section 143 of the said Ordinance is repealed and the following substituted therefor: S. 143,
repealed;
new s. 143

"143. In every rural district in which there are at least ten children between the ages of seven and fourteen years inclusive residing within the limits of the district it shall be the duty of the board of such district to keep the school open at least one hundred and forty teaching days during the year: Length
of time
schools
to be open
in rural
districts

"Provided however in the case of every newly organised rural district this section shall not apply during the first year a school is opened in such district." Proviso

35. The said Ordinance is amended by inserting between sections 143 and 144 thereof the following as sections 143a and 143b respectively: New ss.
143a and
143b

"143a. Except as otherwise provided herein it shall be the duty of the board of trustees of every town and village district to keep its school open during the year at least two hundred and ten teaching days. Time
during
which
schools
to be open
in town and
village
districts

"143b. If for any cause the board of trustees of any district deems it inadvisable or inexpedient to keep its school open as herein provided it shall submit a statement of the facts to the minister who in his discretion shall have power to make such order with respect thereto as he may deem fit and it shall be the duty of the board to carry out the provisions of such order." Special
provision
respecting
closing

36. Section 144 of the said Ordinance is hereby repealed and the following substituted therefor: S. 144,
repealed;
new s. 144

"144. Every parent, guardian or other person having charge of any child or children between the ages of seven and thirteen years inclusive shall in each year be required to send such child or children to school for a period of at least one hundred teaching days at least sixty days of which time shall be consecutive if such parent, guardian or other person is resident in a rural district or in those portions of a town or village district outside the limits of the municipality and for a period Duties of
parents,
guardians
and others

of at least one hundred and fifty days at least one hundred days of which time shall be consecutive if resident in a town or village district and within the limits of the municipality; and every such parent, guardian or other person who does not cause every such child under his care to attend school as herein provided or to be otherwise educated shall be subject to the penalties herein provided:

"Provided that in the case of children residing within the limits of any city, town or village municipality the consecutive days' attendance referred to shall commence to run not later than the first day of March in each year and in the case of children residing outside any such municipality the consecutive days' attendance referred to shall commence to run not later than the fifteenth day of April in each year or at such later date as the school to which such child should go is put in operation for the year."

S. 145,
amended;
S.S. (2) and
(3) added
Additional
penalties
provided

37. Section 145 of the said Ordinance is amended by adding thereto the following subsections:

"(2) In addition to the penalty in this section provided the board of any district may if it sees fit demand from any such parent, guardian or other person violating the provisions of section 144 as aforesaid a sum not exceeding five cents per day for every day up to the minimum prescribed by section 144 hereof upon which such child or children is or are not in attendance at school and every sum so demanded shall be a debt due the district and in case of nonpayment shall be charged against the lands of such parent, guardian or other person and be recoverable in the same manner as and with the taxes:

Proviso

"Provided however that before any such demand is made it shall be the duty of the board to serve upon such parent, guardian or other person at least five days' notice in writing of its intention to make such demand and such parent, guardian or other person may within five days from the receipt of such notice apply to any justice of the peace for an order that no such demand be made by the district and such justice shall thereupon fix a time and place for the hearing of which he shall give the secretary treasurer of the board and such parent, guardian or other person reasonable notice; and if after hearing the evidence adduced by both parties the justice is of opinion that the circumstances of the case are such that no demand should be made he shall order accordingly and the board shall be bound by such order."

Fees

"(3) The fees payable in respect of any such proceeding shall be the same as in proceedings under part XV of *The Criminal Code* and shall be paid by the parent or guardian or by the board in the discretion of the justice."

S. 147,
amended

38. Section 147 of the said Ordinance is amended by striking out the words "The board of any district may" at the

commencement thereof and substituting therefor the words "The board of every rural and village district may and the board of every town district shall."

39. Section 153 of the said Ordinance is repealed.

S. 153,
repealed

40. Section 155 is repealed and the following substituted therefor:

S. 155,
repealed;
new s. 155

"**155.** The salary of a teacher who has been engaged in any district for four months or more continuously shall be estimated by dividing the rate of salary for the year as set forth in the teacher's agreement by 210 and multiplying the result obtained by the actual number of teaching days the school has been in operation during the period of the teacher's engagement:

Computa-
tion of
teacher's
salary

"Provided however that if the salary stated in the teacher's agreement is given at a monthly rate the rate of salary for the year shall be deemed to be a sum equal to twelve times the said monthly rate:

Proviso

"Provided further that if a teacher has taught more than 210 days in any calendar year he shall be entitled only to a year's salary:

"And provided further that notwithstanding anything herein contained the board of every district shall have power to enter into such contract with its teacher regarding the amount of salary to be paid as may be mutually agreed upon and set forth in the agreement provided herein.

"(2) Either party thereto may terminate the agreement for teaching between the teacher and board of trustees by giving thirty days' notice in writing to the other party of his or its intention so to do."

Termina-
tion of
agreement

41. Section 156 of the said Ordinance is repealed and the following substituted therefor:

S. 156,
repealed;
new s. 156

"**156.** Every teacher in case of sickness certified by a qualified medical practitioner shall at the termination of his engagement be entitled to his salary during such sickness for a period not to exceed 20 days for the entire year or in case of an engagement for a shorter term than one year for a period bearing the same proportion to 20 that the number of days he taught school bears to 190."

Salary
in case of
sickness

42. Section 164 of the said Ordinance is amended by adding thereto the following as subsection (2) thereof:

S. 164,
amended;
s.s. 2 added

"(2) The board shall whenever the property of any person is placed on the assessment roll of the district under the provisions of this section notify the minister giving the name of such person and a description of such property."

Notice to
the
minister

New s. 173a

43. The said Ordinance is amended by inserting therein between sections 173 and 174 thereof the following as section 173a:

Penalties
for false
statement
in returns

"173a. Any person who subscribes to any statement, declaration, return or other document prescribed herein or by the minister under the provisions hereof and therein wilfully and knowingly makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$25."

1909

CHAPTER 29

An Act to amend The School Assessment Ordinance.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Paragraph 4 of section 2 of *The School Assessment Ordinance* is amended by striking out the words "commissioner of public works of the Territories" and substituting therefor the words "minister of municipal affairs." 1901, c. 30, s. 2, par. 4, amended

2. The said section 2 is further amended by adding thereto the following as paragraph 5: s. 2, amended

"5. 'Judge' means a judge of the district court of the judicial district in which the school district is wholly or mainly situated." "Judge"

3. Section 4 of the said Ordinance is amended by inserting the words "subject to the provisions of *The Rural Municipality Act* respecting the assessment and collection of taxes in rural school districts" between the words "shall" and "apply" in the first and second lines respectively thereof. s. 4, amended

4. Section 5 of the said Ordinance is repealed and the following substituted therefor: s. 5, repealed; new s. 5

"5. In every rural district the property exempt from assessment and taxation shall be: Exemptions

"1. All land held by his Majesty for the public use of the province;

"2. All lands held by or in trust for the use of any tribe of Indians;

"3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;

"4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;

"5. The land in use as a public cemetery not exceeding twenty-five acres;

"6. All land belonging to an incorporated municipality when held for the public use of such municipality;

"7. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*."

S. 10a,
added

5. The said Ordinance is amended by inserting therein between sections 10 and 11 thereof the following as section 10a:

Assessment
not to be
invalidated
by errors,
etc., in
notices

"10a. No assessment shall be invalidated by reason of any error or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it is addressed."

S. 11 (1),
amended

6. Subsection (1) of section 11 of the said Ordinance is amended by striking out the words "and the finding of the justice upon such appeal shall be final" in the last two lines thereof.

S. 11 (5),
as amended
by 1903
(1st sess.),
c. 21, s. 2,
amended

7. Subsection (5) of section 11 of the said Ordinance, as amended by section 2 of chapter 21 of the Ordinances of 1903 (first session), is amended by striking out the words "of the supreme court" in the second line thereof.

S. 14 (4),
repealed

8. Subsection (4) of section 14 of the said Ordinance is repealed.

S. 15,
repealed;
new s. 15

9. Section 15 of the said Ordinance is repealed and the following substituted therefor:

Taxes a
lien

"15. The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown.

Penalty for
nonpayment
of taxes

"(2) In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are imposed there shall be added thereto by way of penalty a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by this section are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes or in any way to impair the right of distress or any other remedy hereby provided for the collection of the said taxes."

S. 19,
amended

10. Subsection (1) of section 19 of the said Ordinance is amended by inserting the words "which is neither within nor deemed for the purposes of section 297 of *The Rural Municipality Act* to be within a rural municipality" between the words "district" and "shall" in the first line thereof.

11. Subsection (2) of section 19 of the said Ordinance is ^{S. 19 (2),} repealed and the following substituted therefor: ^{repealed;} ^{new s.s. (2)}

"(2) The return or a copy thereof verified by solemn ^{Evidence of} declaration shall for all purposes be *prima facie* evidence of ^{assessment,} the validity of the assessment and imposition of the taxes as ^{etc.} shown therein and that all steps and formalities herein prescribed have been taken and observed."

12. Section 19 of the said Ordinance is further amended ^{S. 19,} by adding thereto the following subsections: ^{amended}

"(3) The treasurer shall continue to collect arrears of taxes ^{Treasurer} after sending in his return of arrears; but in every case where ^{to collect} he receives payment of arrears he shall report such payment ^{arrears} to the minister within ten days after receipt thereof in order ^{of taxes} that the same may be noted on the return from his district ^{after} which is on file in the department; throughout the year he shall ^{returns} notify the minister of any change which it may be necessary ^{sent in} to make on his return.

"(4) The treasurer shall however cease to collect arrears ^{Treasurer} when notified by the minister that forfeiture proceedings ^{to cease} in respect of lands in his district have been commenced." ^{collecting} ^{when} ^{notified} ^{by minister}

13. Subsection (1) of section 20 of the said Ordinance is ^{S. 20} amended by striking out the word "Territories" and substituting therefor the word "province" and by striking out the ^{amended} words "the supreme court" in the second and third lines thereof and substituting therefor the words "a district court."

14. Subsection (2) of section 20 of the said Ordinance is ^{S. 20 (2),} amended by inserting the word "registered" between the words ^{amended} "by" and "mail" in the second line thereof.

15. Subsection (1) of section 21 of the said Ordinance is ^{S. 21 (1),} repealed and the following substituted therefor: ^{repealed;} ^{new s.s. (1)}

"21. At the time and place so appointed the judge shall ^{Adjudica-} hear the application and also any objecting parties and the ^{tion by} evidence adduced before him; he shall thereupon adjudge and ^{judge} determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default and report the adjudication to the said attorney general; he shall also confirm the return as to those parcels on which any taxes are determined to be in arrears naming the amounts severally due and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in his Majesty in the right and to the use of his province of Saskatchewan the said lands freed from all liens, mortgages and incumbrances of any nature and kind

whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the minister of the amounts named including expenses as aforesaid together with the redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the minister but no redemption fee shall be less than \$2."

S. 21 (4),
amended

16. Subsection (4) of section 21 of the said Ordinance is amended by striking out the words "and such copy shall be notice to the public of the facts contained therein" in the last two lines thereof and substituting therefor the words "and it shall be the duty of the registrar to register the same against the lands therein named."

Ss. 5 and 6
added

17. Section 21 of the said Ordinance is further amended by adding thereto the following subsections:

"(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by subsection (2) of section 20 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as herein provided.

"(6) Where the word 'taxes' occurs in subsection (1) of this section and in sections 22 and 24 hereof the same shall be construed as extending to and including the addition or additions, as the case may be, of the eight per centum provided for in subsection (2) of section 15 hereof."

S. 22,
amended

18. Section 22 of the said Ordinance is amended by striking out the word "the" in the first line thereof and substituting therefor the word "any," by striking out the symbol and figure "\$2" in the seventh line thereof and substituting therefor the symbol and figure "\$1," and by striking out the word "Territorial" in the last line thereof and substituting therefor the word "general".

S. 23,
repealed;
new s. 23

19. Section 23 of the said Ordinance is repealed and the following substituted therefor:

Procedure
on
redemption

"23. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 21 hereof have been paid to the minister within one year from the date of such adjudication the minister shall issue to the person paying the taxes a certificate in form E in the appendix to this Act which certificate shall on presentation to the registrar of the land registration district in which the lands named therein are situated be registered by him free of charge and without proof of the signature thereto and the

said certificate when so registered shall discharge and release the said lands from the said adjudication and the effect thereof.

"(2) If the said certificate of redemption has not been received by him as aforesaid the registrar shall on the request of the minister issue free of charge a certificate of title to the land not so redeemed in favour of his Majesty in the right and to the use of his province of Saskatchewan." ^{Issue certificate of title to his Majesty}

20. Subsection (1) of section 24 of the said Ordinance is amended by striking out the words "since the coming into force of this Ordinance" in the third and fourth lines thereof. ^{s. 24 (1), amended}

21. Subsection (2) of section 24 of the said Ordinance is repealed. ^{s. 24 (2), repealed}

22. Section 31 of the said Ordinance is amended by adding thereto the following words "or in case such person, firm or corporation kept stock-in-trade on hand for a shorter period, then only during such shorter period." ^{s. 31, amended}

23. Section 41 of the said Ordinance is amended by striking out the words "of the supreme court" in the third line thereof. ^{s. 41, amended}

24. Paragraph 1 of section 41 of the said Ordinance is amended by striking out the words "of the supreme court." ^{s. 41, par. 1, amended}

25. Paragraph 2 of section 41 of the said Ordinance is amended by striking out the words "of the supreme court usually exercising jurisdiction in the judicial district of which such district forms a part or if such district forms a part of more than one judicial district then to the judge whose official residence is nearest the district." ^{s. 41, par. 2, amended}

26. Paragraphs 8, 10 and 11 of section 41 of the said Ordinance are amended by striking out the word "supreme" wherever it occurs therein and substituting therefor the word "district". ^{s. 41, pars. 8, 10 and 11, amended}

27. Subsection (2) of section 43 is repealed and the following substituted therefor: ^{s. 43 (2), repealed; new s.s. (2)}

"(2) In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same were imposed there shall be added thereto a sum equal to eight per centum of such taxes so remaining unpaid and the same additional amount shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts, as the case may be, so added shall form part of the ^{Penalty in respect of unpaid taxes}

taxes which by section 53 hereof are created a special lien upon the land; nothing in this subsection contained shall be construed to extend the time for payment of the said taxes or in any way to impair the right of distress or any other remedy provided by this Ordinance for the collection of the said taxes."

S. 53,
repealed;
new s. 53

28. Section 53 of the said Ordinance is repealed and the following substituted therefor:

Taxes a
special
lien

"**53.** The taxes accrued upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown."

S. 58 (2),
amended

29. Subsection (2) of section 58 of the said Ordinance is amended by striking out the words "North-West Territories" and substituting therefor the word "Saskatchewan."

S. 62,
amended

30. Section 62 of the said Ordinance is amended by striking out the words "less than ten days nor" in the first line thereof.

S. 63,
repealed;
new s. 63

31. Section 63 of the said Ordinance is repealed and the following substituted therefor:

Adjourn-
ment

"**63.** The treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days."

S. 69,
amended

32. Section 69 of the said Ordinance is amended by adding thereto the following words: "but he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force."

S. 71 (1),
amended

33. Subsection (1) of section 71 of the said Ordinance is amended by inserting between the words "behalf" and "may" in the third line thereof the words "but in his or their name only."

S. 76,
amended

34. Section 76 of the said Ordinance is amended by striking out the words "within one month" in the third and fourth lines thereof.

S. 77,
amended

35. Section 77 of the said Ordinance is amended by striking out the words "of the supreme court" in the second line thereof.

36. Section 82 of the said Ordinance is amended by ^{s. 82,} striking out the words "of the supreme court of the Territories" in the tenth line thereof.

37. Subsection (2) of section 89 of the said Ordinance is ^{s. 89 (2),} hereby amended by striking out the words "*The Municipal Ordinance*" in the fourth line thereof and substituting therefor the words "*The City Act or The Town Act*, as the case may be," and inserting the words "Act or" between the words "special" and "Ordinance" in the fourth and fifth lines thereof.

38. Section 98 of the said Ordinance is repealed and the ^{s. 98,} following substituted therefor: ^{repealed;}
^{new s. 98}

"**98.** In the last foregoing section the word 'treasurer' ^{"Treasurer"} shall mean:

"1. In the case of a village or of a rural district neither within nor deemed for the purposes of section 297 of *The Rural Municipality Act* to be within a rural municipality the treasurer of the school district;

"2. In the case of a town district or a rural district which is within or deemed as aforesaid to be within a rural municipality the secretary treasurer of the municipality."

39. Section 99 of the said Ordinance is amended by ^{s. 99,} inserting the words "neither within nor deemed as aforesaid" ^{amended} between the words "district" and "and" in the second line thereof.

40. The various forms in the appendix to the said Ordinance are amended by striking out the words "North-West Territories" and the abbreviation "N.W.T." wherever they occur therein and substituting therefor the word "Saskatchewan." ^{Forms,} ^{amended}

41. Form D in the appendix to the said Ordinance is ^{Form D,} further amended by adding thereto as a second paragraph ^{amended} thereof the following "The land for which you are assessed is (*here describe land*)."

FORM E.

[Section 23 (1).]

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:

as to which an adjudication under the provisions of section 23 of *The School Assessment Ordinance* bearing date the

day of was made by His Honour judge
of the district court of the judicial district of in the
Province of Saskatchewan have been under the provisions of
the said section redeemed and the said lands are therefore
discharged and released from the said adjudication and the
effect thereof.

Dated at Regina in the Province of Saskatchewan this
day of 19 .

.....
Minister of Municipal Affairs.

/ 1909

CHAPTER 30

An Act to provide for the Payment of Grants in support of Elementary Education.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The School Grants Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the ^{Interpre-} expression:

1. "Department" means the department of education; "Depart-
ment"
2. "Minister" means the minister of education for the pro- "Minister"
vince;
3. "District" means any school district erected or constituted "District"
under the provisions of *The School Ordinance*;
4. "Rural district" means any school district situated wholly "Rural
district"
outside the limits of any city, town or village municipality:
Provided that in case any rural district or any portion thereof is included in any village or town that may hereafter be organised such district shall for the purposes of this Act be deemed to be a rural district until the end of the then current calendar year;
5. "Town district" means any school district situated wholly "Town
district"
or in part within the limits of any city, town or village municipality;
6. "School" means a room or building in which one teacher "School"
is employed by a district to give instruction to pupils in accordance with the provisions of *The School Ordinance* and the regulations of the department and in the case of every district in which more teachers than one are thus employed each room in charge of a separate teacher shall rank as a school;
7. "Teacher" means any person holding a certificate from "Teacher"
the department which entitles such person to teach in any school in the province;

"Teaching day"

8. "Teaching day" means any day upon which a school is legally open during the hours prescribed by *The School Ordinance* and the regulations of the department and shall not include any Saturday, Sunday or holiday;

"Average attendance"

9. "Average attendance" means the attendance of pupils for any school term as ascertained by dividing the aggregate days' attendance of all pupils enrolled in a school during such term by the total number of teaching days such school was actually in operation during the term;

Other expressions to have meaning assigned to them in *The School Ordinance*

(2) All other words, names and expressions shall unless the context otherwise requires have the same meaning as is expressly or impliedly attached to them in *The School Ordinance*.

GRANTS.

Grants to schools

3. Out of any moneys appropriated by the Legislature for the purpose there shall be payable in aid of elementary education the following grants:

To rural districts

1. To every rural school district:

- (a) The sum of seventy-five cents for every teaching day upon which its school is in operation during the year;
- (b) An additional sum of twenty-five cents for every teaching day upon which its school is in operation during the year over and above one hundred and sixty days:

Provided that the total number of days for which such additional grant shall be payable shall not exceed fifty;

- (c) An additional sum of ten cents for every teaching day upon which its school is in charge of a teacher holding a valid first class interim or professional certificate issued by the department;
- (d) An additional sum of forty cents for every teaching day upon which its school is open during the first year of its operation; thirty cents during the second year; twenty cents during the third year; and ten cents during the fourth year;
- (e) An additional sum of twenty cents for every teaching day upon which its school is open provided such district comprises an area of seven thousand acres or less; fifteen cents for every such day if the area of such district is over seven thousand acres and not more than eight thousand acres; ten cents for every such day if the area is over eight thousand acres and not more than nine thousand acres; five cents for every such day if the area is over nine thousand acres and not more than ten thousand acres:

Provided however that such additional sum mentioned in paragraph (e) hereof shall be payable only for the years 1910 and 1911 and thereafter every such district that comprises an area of eight thousand acres or less shall be paid an additional sum of ten cents for every teaching day upon which its school is open;

2. To every town district:

To town
districts

- (a) The sum of seventy-five cents for every teaching day upon which its school is in operation during the year;
- (b) An additional sum of thirty cents for every teaching day upon which its school is open during the first year of its operation and fifteen cents during the second year;
- (c) An additional sum of ten cents for every teaching day upon which its school is in charge of a teacher holding a valid first class interim or professional certificate issued by the department;
- (d) An additional sum of ten cents for every teaching day upon which there is maintained by the district during the year a school, or room exclusively for pupils above grade VII:

Provided the daily average attendance of pupils in such school or room is at least twelve:

And provided further that all such pupils are permitted to attend the school without payment of tuition or other fees.

CONDITIONS UPON WHICH GRANTS ARE PAYABLE.

4. The several grants referred to in the next preceding section shall be payable subject to the following requirements and conditions:

Conditions
upon
which
grants
are made

1. Every district claiming any grant under this Act shall be entitled to the same only on the condition that the school is organised, operated and maintained strictly in accordance with the provisions of *The School Ordinance* and the regulations of the department;

2. The trustees of every such district shall forward promptly to the department such reports and returns as are from time to time prescribed by the minister and required by him;

3. Every district in which only one teacher is employed shall have an average attendance in its school of at least six pupils between the ages of five and sixteen years inclusive for each term for which any grant is claimed;

4. Every district in which more teachers than one are employed shall for each term for which any grant is claimed have an average attendance in the whole school equal to at least twenty pupils for every teacher employed;

5. The maximum number of days for which any grant shall be payable to any district shall not exceed two hundred and ten teaching days in any calendar year;

6. No grant shall be payable to any district until the department is furnished with a copy of the teacher's agreement, the term return and such other reports, forms or statements as may be required by the minister;

7. In case the teacher of any district attends any teachers' institute or convention held under the regulations of the department such district shall be entitled to all grants as if its school had been in operation for the teaching days actually necessary in attending such institute or convention:

Provided that the total number of days for which such grants shall be paid shall not exceed four in any calendar year;

8. Every district whose school has been closed on account of the prevalence of any disease shall be entitled to all grants in respect of such days as the school is so closed:

Provided that such grants shall not be paid for more than thirty teaching days in any calendar year:

And provided further that no such grant shall be paid to any district until the chairman of the board of such district and the teacher furnish the department with a joint written certificate in such form as may be prescribed by the minister to the effect that it was in the interests of the public health that the school has been so closed;

9. No grant shall be payable to any district for the second term in any school year until the department has received from the secretary of the district and the teacher a joint certificate in such form as may be prescribed by the minister to the effect that the board has during the then current year expended on books for the school library the sum of at least ten dollars which books shall be selected from a list authorised by the minister and furnished by the department:

Provided that on the recommendation of an inspector the minister may authorise the board of any district to expend such sum on the purchase of equipment and apparatus instead of for books as aforesaid;

10. In order that any district may be entitled to be paid any grant provided by this Act it shall be the duty of the board of such district on, from and after the first day of July, 1910, to conform with such regulations of the department as may be approved by the minister respecting the supplying of its school with a flag and the use to which such flag is to be put while its school is in operation.

Special
grants

5. Out of any moneys appropriated by the Legislature and available for grants in aid of elementary education the Lieu-

tenant Governor in Council may order the payment of a special grant to any school in the province whether organised and operated according to law or not.

6. *The School Grants Ordinance* and all amendments thereto are hereby repealed.

1901, c. 81,
and 1904,
c. 10,
repealed

✓ 1909

CHAPTER 31

An Act respecting Agricultural Societies.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Agricultural Societies Act.*" 1906, c. 38, s. 1.

INTERPRETATION.

Interpre- 2. In this Act unless the context otherwise requires the
tion expression:

"Depart- 1. "Department" means the department of agriculture;
ment"
"Minister" 2. "Minister" means the minister of agriculture;

"Society" 3. "Society" means any agricultural society organised or
continued under this Act or any agricultural and industrial
exhibition association incorporated under the provisions of
The Companies Act or any other Act; (*New.*)

"Director 4. "Director of agricultural extension work" means the
of agri- director of agricultural extension work in the college of agri-
cultural culture in the University of Saskatchewan. (*New.*) 1906,
extension c. 38, s. 2.
work"

OBJECTS OF AGRICULTURAL SOCIETIES.

Objects of 3. The objects of a society shall be to encourage improve-
societies ment in agriculture, horticulture, arboriculture, manufactures
and the useful arts:

1. By forming farmers' clubs throughout the district served
by the society for the purpose of making more effective the
methods enumerated in this section; (*New.*)

2. By holding meetings for the delivery of lectures and for
the discussion of subjects connected with the theory and
practice of any of the said industries;

3. By promoting the circulation of agricultural, pastoral,
horticultural, arboricultural and mechanical periodicals and
by establishing and maintaining a reference library on such
subjects for the use of its members;

4. By offering prizes for essays on subjects relating to or affecting agricultural interests;

5. By importing or otherwise procuring seeds, plants or animals of new or valuable kinds;

6. By holding seed grain fairs;

7. By holding good farming competitions and competitions in standing fields of seed grain; (*New.*)

8. By holding live stock judging competitions;

9. By holding plowing matches and such other competitions as are conducive to improved agricultural practices. (*New*);

10. By holding exhibitions as hereinafter provided at which prizes may be awarded for:

(a) Excellence in live stock raised or imported into the province;

(b) The invention or improvement of agricultural machines or implements;

(c) The production of grains, vegetables, plants, flowers and fruits, home manufactures and works of art; and generally for excellence in any agricultural production or operation;

11. By taking action to eradicate poisonous and noxious weeds and to exterminate such animals as are found to injure or impede agriculture;

12. By conducting demonstrations in the growing of crops and the feeding of stock or in any other branch of agriculture and by testing any system of farming;

13. By affiliating and cooperating with associations organised to improve live stock or encourage grain growing, dairying, forestry or fruit growing or promote the study of plant life or the destruction of injurious insects and plants.

4. The funds of agricultural societies howsoever derived shall not be expended for any object inconsistent with the provisions of this Act. Expenditure of funds

(2) Such funds shall be deposited from time to time to the credit of the society in a chartered bank or other banking house; and all cheques shall be signed by the president or a vice president and the treasurer or secretary treasurer of the society. 1906, c. 38, s. 4.

EXISTING SOCIETIES CONTINUED.

5. All agricultural societies established and in operation at the time of the coming into force of this Act shall be continued as agricultural societies under and subject to the provisions of this Act and the present officers of such societies shall continue to hold office as such until the next annual meeting of the society. 1906, c. 38, s. 5. Existing societies

ORGANISATION OF SOCIETIES.

Organisa-
tion

6. An agricultural society may be formed under the provisions hereof in the following manner:

Provided that unless it is shown to the satisfaction of the minister to be in the public interest no agricultural society shall be organised within thirty miles of the chief place of business of any other society unless the physical or other natural conditions of the adjoining country are such that the formation of such society will not injuriously affect any other society: (*New.*)

1. An application in form A of the schedule hereto and containing the information indicated as required thereby shall be signed by not less than one hundred and fifty persons all being over eighteen years of age and residents of the province and not being members of any other agricultural society in the province and not less than 75 per cent. of them being *bona fide* farmers residing upon farms;

2. Every person signing the said application shall pay at least one dollar as or as part of his first annual subscription to the funds of the proposed society and such moneys shall be paid to and be held by one of the subscribers in trust for the society;

3. The application shall be verified by an affidavit of one of the subscribers in the form appended to the said form A;

4. The application so verified shall be transmitted to the minister who if he approves thereof shall declare the subscribers thereto to be organised into a society under the name of "The Agricultural Society" and shall issue a certificate of such organisation in form B in the schedule hereto and thereupon the society shall be deemed to be formed; but any society may subject to the permission of the minister change its name at any time.

(2) A copy of the certificate of organisation of any society shall forthwith after the organisation of such society be sent to the director of agricultural extension work. (*New.*) 1906, c. 38, s. 6; 1908-9, c. 15, s. 4.

First
meeting of
members

7. As soon as practicable after the formation of the society a meeting of the subscribers and of such other persons as may desire to become members thereof which meeting shall be regarded as the first annual meeting of the society shall be held at the call of the director of agricultural extension work and at such time and place and with such prior public notice as he may direct. 1906, c. 38, s. 7, *amended*.

Report to
be sent to
department

8. A report of the said meeting certified by the president and the secretary containing a statement of the number of members and a list of the officers elected or appointed shall be

sent by the secretary to the director of agricultural extension work within one week after the meeting. 1906, c. 38, s. 8, *amended*.

MEMBERSHIP.

9. Any person who would have been qualified to sign an application for the formation of a society may become a member thereof at any time on payment to the treasurer of a membership fee of not less than one dollar. Persons eligible for membership

(2) Payment of the said fee shall entitle the person paying it to the privileges of membership for the financial year for which it is paid.

(3) At the time of payment of his membership fee every member shall give to the treasurer a post office address to which all notices of meetings and other notices intended for members shall be sent.

(4) Subject to the bylaws of the society a firm or an incorporated company may become a member of any society by the payment of the regular fee; but the name of one person only shall in any one year be entered as the representative or agent of such firm or company and that person only shall exercise the privileges of membership in the society. 1906, c. 38, s. 9; 1908, c. 38, s. 24.

OFFICERS.

10. The officers of the society shall consist of:

Officers

- (a) A president;
- (b) Two vice presidents;
- (c) A secretary and a treasurer or a secretary-treasurer;
- (d) Nine, twelve or fifteen directors as may be determined by the society in addition to the president and vice president who shall be *ex officio* directors. 1906, c. 38, s. 12.

11. The persons qualified to vote for officers or to be elected shall be only those members who have paid their membership fee for the financial year in which the election is held. 1906, c. 38, s. 13; 1908, c. 38, s. 24. Qualification of voters and officers

12. At the first annual meeting all the officers except the secretary and the treasurer or the secretary treasurer shall be appointed as provided by section 14 hereof shall be elected by ballot. 1906, c. 38, s. 14. Officers to be elected at first annual meeting

13. The president, vice presidents and directors elected at the first or any subsequent annual meeting shall hold office until the next following annual meeting. 1906, c. 38, s. 15. Term of officers

Officers

14. The board of directors may from time to time appoint a secretary and a treasurer or a secretary treasurer who may be a director or directors and who shall hold office during pleasure. 1906, c. 38, s. 16.

Duties of treasurer

15. It shall be the duty of the treasurer or secretary treasurer:

- (a) To receive all moneys paid to the society and to disburse the same in the manner ordered by the board of directors;
- (b) To keep a complete and detailed record of all moneys received and disbursed;
- (c) To give and take receipts for all moneys received and paid out and keep on file all vouchers of expenditure;
- (d) To close and balance the books of the society at the end of the financial year which shall be the fifteenth day of November in each and every year;
- (e) To produce when called for by the directors, the auditor, the director of agricultural extension work or other official appointed by the minister all books, vouchers, papers and moneys belonging to the society and to hand the same over to the directors or any person named by them on his ceasing to hold office;
- (f) To prepare at the end of each financial year in the manner provided by this Act such statement of the finances of the society as is required to be submitted to the annual meeting;
- (g) Before entering upon the duties of his office and within one month after his appointment to give such security as the board of directors may deem necessary for the faithful performance of his duties; and it shall be the duty of the directors to inquire into the sufficiency of such security and to report to the director of agricultural extension work forthwith after such security is given and approved.

Conditions of grants

(2) No grant shall be paid to any society under this Act unless and until the directors shall have reported that the security of the treasurer or secretary treasurer has been approved by them. 1906, c. 38, s. 17, *amended*.

Vacancies in office

16. In the event of an officer of an agricultural society dying or resigning office or in any other way vacating his office during the period for which he has been elected the board of directors shall appoint an eligible person to fill the office for the unexpired term of the person so vacating office. 1906, c. 38, s. 18.

17. If at any time there shall be no officers of a society or if there is an insufficient number of officers and they do not act the director of agricultural extension work may authorise any person to call a meeting of the society for any purpose or take such other action as the director of agricultural extension work may deem proper in the interests of the society. 1906, c. 38, s. 19, *amended*. Director of agricultural extension work may call meetings in certain cases

18. Every agricultural society shall hold an annual meeting between the twentieth day of November and the twentieth day of December in each year at such time and place as may be decided upon by the directors. 1906, c. 38, s. 20. Annual meeting of society

19. Prior to the annual meeting the treasurer or secretary treasurer of each society shall submit the books and accounts of the society for the preceding year to an auditor appointed under the provisions of the Ordinance respecting Official Auditors and it shall be the duty of such official auditor to examine, check, audit and report upon the accounts of such society and to certify to the correctness of the same or otherwise, as the case may be; and on completion of the audit in the manner herein provided the society shall pay therefor to the said official auditor the sum of \$3. 1906, c. 38, s. 21. Audit by official auditor

20. At least two weeks' previous notice of the time and place of holding an annual or other meeting of a society shall be given by the secretary by written or printed notice mailed to each member of the society and such additional notice as the directors may decide. 1906, c. 38, s. 22. Notice of annual meeting

21. In case any society shall through any cause fail to hold its annual meeting within the time appointed the director of agricultural extension work may appoint a time for holding the same and the meeting shall be called by the secretary or by some person appointed for the purpose by the director of agricultural extension work in the same way as the regular annual meeting and the meeting when held shall be considered as the annual meeting of the society and conducted as such in every particular. 1906, c. 38, s. 23, *amended*. Substituted meeting

22. The following shall be the order of business at the annual meeting of any agricultural society: Order of business

1. Reading minutes of previous meeting;
2. Addresses and reports of officers;
3. Reports of committees;
4. Unfinished business;
5. New business;

6. Addresses and discussions;
7. Election of officers;
8. Adjournment. 1906, c. 38, s. 24.

Reports of
board of
directors

23. The board of directors shall at the annual meeting present:

- (a) A report of their proceedings for the year with such remarks and suggestions upon the state of agricultural development in the district as they may see fit to offer;
- (b) A statement showing the name, occupation and post office address of each member with the amount of his subscription to the society for the year opposite his name;
- (c) A detailed statement of the receipts and expenditure of the society for the current financial year certified by an official auditor;
- (d) A statement of the assets and liabilities of the society certified by an official auditor;
- (e) A statement showing the amount offered and also the amount actually paid in prizes for each kind of live stock, live stock judging competitions, agricultural and domestic products, manufactured articles or other objects respectively and the number of entries in each class;
- (f) A report of each meeting held for the discussion of agricultural subjects giving the names of the speakers, the subjects of their addresses and the number of persons present;
- (g) A report upon any cooperative agricultural demonstrations or other educational work carried out under the instructions of the director of agricultural extension work during the year. 1906, c. 38, s. 25, *amended*.

Other
meetings

24. Meetings of the society other than the annual meeting may be held at any time that the board of directors may determine. 1906, c. 38, s. 26.

MEETINGS OF DIRECTORS.

Directors'
meetings

25. Meetings of the board of directors may be held at any time on the call of the president or in his absence the vice president or any three members of the board and it shall be the duty of the secretary when instructed so to do to give at least ten days' notice in writing of any such meeting to every member of the board which notice shall be posted by mail in due course. 1906, c. 38, s. 27.

QUORUM.

26. Ten members shall constitute a quorum at a meeting of the society and five directors at a meeting of the directors. 1906, c. 38, s. 28.

SUPERVISION OF SOCIETIES.

27. The director of agricultural extension work shall have the direction and supervision of all societies organised under *An Ordinance respecting Agricultural Societies* or any Act passed in amendment thereof or in substitution therefor. Supervision of societies

28. In the direction and supervision of societies it shall be the duty of the director of agricultural extension work: Duties of director of agricultural extension work

- (a) To visit, inspect and report upon agricultural exhibitions for the information of the minister;
- (b) To visit, inspect and report upon any demonstration plots, competitions or other undertakings being carried on by any agricultural society in accordance with this Act;
- (c) To inspect when required by the minister the books, accounts and records of any society and to give such advice and instructions to its officers as he may consider necessary to insure the proper carrying on of the affairs of such society;
- (d) To advise the directors of the various societies with regard to exhibitions, competitions and educational work. 1906, c. 38, s. 11, *part amended*.

29. The minister may appoint an inspector to examine the books and accounts of any society; and the Lieutenant Governor in Council may confer on such inspector any or all of the powers which may be conferred on a commissioner appointed under the provisions of *An Ordinance respecting Inquiries Concerning Public Matters*. 1906, c. 38, s. 10, *amended*. Inspector

RETURNS.

30. A list of the officers elected at the annual meeting and a copy or summary of each report and statement presented thereat shall be transmitted to the director of agricultural extension work by the secretary upon the forms provided for the purpose on or before the thirty-first day of December in each year; and in case these particulars are not transmitted from any agricultural society within this date it shall not receive any portion of any appropriation made by the Legislature unless the minister is satisfied by the explanation given Reports, etc., to be transmitted to director of agricultural extension work

that such delay was unavoidable or inadvertent in which case he may pay the grant to which such society would be entitled after deducting the sum of five dollars for each week of such delay.

(2) Within two weeks after the receipt of such returns the director of agricultural extension work shall transmit to the minister a report in a form approved by the Lieutenant Governor in Council giving a statement of the amount of legislative grants earned by the society during the year and such other facts regarding the work of the society as the minister may require. (*Nev.*) 1906, c. 38, s. 29, *amended*.

Bylaws and
regulations

31. The members of each society may at an annual meeting or at a special meeting called for that purpose make, alter and repeal bylaws and regulations for the general management of the society and subject to such bylaws the board of directors shall have full power to act for and on behalf of the society and all grants and other funds of the society shall be received and expended under their direction.

(2) A copy of such bylaws and regulations shall be forthwith transmitted by the society to the director of agricultural extension work. 1906, c. 38, s. 31, *amended*.

REAL PROPERTY.

Societies
to be
bodies
corporate

32. All societies now or hereafter organised shall be bodies corporate with power to acquire and hold land as a site for fairs and exhibitions and subject to the approval of the society given at a meeting called for the purpose to sell, mortgage, lease or otherwise dispose of the same or any other property held by such society.

(2) At least a month's previous notice of such meeting shall be given in the manner provided for calling such meetings and the notice shall state the object for which the meeting is called. 1906, c. 38, s. 6, par. 4, *part* and s. 31, *part*.

Society may
appropriate
real
property

33. Subject to the approval of the Lieutenant Governor in Council a society shall have full power and authority without the consent of the owner thereof or any person interested therein to enter upon, take and appropriate all land not exceeding twenty acres as may be deemed necessary for the purposes of the society making due compensation therefor to the person or persons entitled thereto.

Compensation

If no
agreement
amount of
compensation
to be
fixed by
arbitration

(2) In the event of no mutual agreement as to the amount of compensation being arrived at within the period of sixty days from the date of such entry then in that event the amount of compensation shall be fixed and determined by two arbitrators, one to be appointed by the society and the other by the person or persons owning the land so taken.

(3) The two arbitrators so appointed shall have power to ^{Umpire} appoint an umpire.

(4) The provisions of *The Arbitration Ordinance* shall apply ^{The Arbitration Ordinance to apply} to and govern such arbitration. (*New.*)

EXHIBITIONS.

34. An exhibition may be held by any agricultural society, ^{Exhibitions} board of management or any company organised for the purpose at such time and place as may be decided upon by the directors at a meeting called for that purpose. 1906, c. 38, s. 32.

35. If a society, board of management or any company ^{Prize list to be sent to director of agricultural extension work} organised for the purpose shall propose to hold an exhibition at which prizes are to be awarded two copies of the prize list shall be sent to the director of agricultural extension work at least six weeks before the date upon which the exhibition is to be held. 1906, c. 38, s. 33.

36. Two or more societies may by agreement between their ^{Union of societies for holding exhibitions} respective boards of directors unite their funds or any portion thereof for the purpose of holding a joint agricultural or live stock exhibition.

(2) In case of such amalgamation the directors of the said ^{Joint board of management} societies or delegates appointed for such purpose by each board of directors shall meet and elect from among their number a president and first and second vice presidents, a secretary treasurer and at least eight persons who with the officers so elected shall be a board of management and shall have the charge and management of the exhibition so to be held.

(3) The directors or delegates and members of the board of ^{Voting} management shall at all meetings have the right to vote in person or by proxy.

(4) On or before the first day of November in any year in ^{Audit} which a joint exhibition is held it shall be the duty of the secretary treasurer appointed by the directors to submit his books and accounts to an auditor as provided by section 19 of this Act and the auditor so selected shall forthwith make his audit and report to the president of the board and for so doing he shall be entitled to a fee of \$5.

(5) Upon receipt of the auditor's report it shall be the duty of the chairman of the board to call a meeting of the directors ^{Meeting to consider auditor's report} for the purpose of considering the same and such other business as may be necessary.

(6) The secretary of the board of management shall trans-^{Distribution of report}mit a copy of the auditor's report to the secretary of each of

the societies taking part in the joint exhibition and such report shall be submitted at the annual meetings of the several societies concerned. 1906, c. 38, s. 34.

Payment
of grants
authorised

37. Out of any moneys appropriated by the Legislature for the purpose there shall be payable in aid of agricultural societies the following grants subject to the conditions hereinafter set forth. The amount of such grants shall be calculated as follows:

1. To each society whose membership for the preceding year is shown to have included at least one hundred and fifty members who had paid their fees up to the date of the annual meeting the sum of fifty cents for each paid up member up to two hundred;

2. To each society which has during the preceding year held one or more meetings as provided in *The Agricultural Societies Act* the sum of \$10 for each such meeting but not exceeding two;

3. To each society which during the year 1909 undertook co-operative demonstrations in the growing of crops under the direction of the department the sum of \$5 for each such demonstration begun in that year and satisfactorily carried out but not exceeding ten;

4. To each society which has during the preceding year held a good farming competition or a competition in standing fields of seed grain or a ploughing match at which cash prizes amounting to not less than \$50 were offered an amount equal to two-thirds of the amount actually paid out for prizes but not exceeding the sum of \$65;

5. To each society which has during the preceding year held a live stock judging competition at which cash prizes amounting to not less than \$15 were offered an amount equal to two-thirds of the amount actually paid out for prizes but not exceeding the sum of \$15;

6. To each society which has during the preceding year held a spring stallion show at which cash prizes amounting to not less than \$100 were offered an amount equal to two-thirds of the amount actually paid out for prizes but not exceeding the sum of \$135;

7. To each society which has during the preceding year held a seed grain fair or a poultry show or a combined seed grain fair and poultry show at which cash prizes amounting to not less than \$50 were offered an amount equal to two-thirds of the amount actually paid out for prizes but not exceeding the sum of \$50;

8. To each society and to each board of management of a joint exhibition which has during the preceding year held an

exhibition at which cash prizes amounting to not less than \$600 were offered an amount equal to two-thirds of the amount actually paid out for prizes.

(2) The grants payable under this section shall be paid only upon compliance with the following conditions: Conditions
of such
grants

1. That the total amount of grants payable to any agricultural society shall not exceed the sum of \$1,000;

2. That after the fifteenth day of November, 1910, the grants payable in any year to any society which has in such year been in existence for a period of at least five years shall not exceed 75 per centum of the aggregate amount of grants to which such society would otherwise have been entitled;

3. That when calculating the date of organisation of any agricultural and industrial exhibition association or joint stock company or other company that has succeeded an agricultural society the date when the society such association succeeds was first organised shall be considered the date of organisation of such association or company;

4. That no grant on the basis of membership shall be paid to any society whose membership does not include at least 150 paid up members;

5. That a grant for meetings shall not be paid for meetings for which speakers were provided through the director of agricultural extension work or for any educational meeting if the director of agricultural extension work reports that in his opinion such meeting did not fulfil the objects for which it was called;

6. That no grant shall be paid to any society for any exhibition or competition unless all regulations framed by the director of agricultural extension work for the guidance of societies in respect to such have been complied with;

7. That when any society or board of management of a joint exhibition holding an annual exhibition has during the same year held a spring stallion show or a poultry show either alone or in connection with a seed grain fair or any other exhibition at which prizes are offered for classes similar to those for which prizes are offered at the annual exhibition the prize money paid for such classes at such annual exhibition shall not be included in the amount upon which the exhibition grant payable to such society is based;

8. That no grant shall be paid in any year to any society unless all returns required by the minister respecting the work of such society shall have been filed with the director of agricultural extension work on or before the thirty-first day of December in such year;

9. That the minister may withhold payment in respect to any prize offered at any exhibition upon receipt of a report

from the director of agricultural extension work stating that in his opinion such exhibition was not calculated to promote the legitimate objects of an agricultural exhibition;

10. That no incorporated company which permits voting by proxy or allows more than one vote to be exercised by each shareholder irrespective of the number of shares owned or controlled by such shareholder shall be entitled to any grant for an exhibition held;

11. That no grant for holding an exhibition shall be paid to any agricultural society or exhibition company if upon receipt of a report from the director of agricultural extension work or other official authorised by him to attend and report upon agricultural exhibitions it shall appear that at any exhibition held under the management of such society or exhibition company there were upon the grounds on which such exhibition was held or within three hundred yards of the same any gambling devices or apparatus for carrying on games of chance or any shows or exhibits of an immoral or obscene nature. 1906, c. 38, s. 35; 1907, c. 23, s. 2; 1908, c. 38, s. 24 (3); 1908-9, c. 15, s. 11, *amended*.

DISORGANISATION OF SOCIETIES.

Proceedings
for disorgan-
isation of
societies

38. In the event of its appearing advisable that any society be disorganised the minister may order and declare that on and after a day to be named by him such society shall be disorganised and thereupon the same shall cease to exist and the officers thereof shall cease to hold office. 1906, c. 38, s. 36.

Liquidators
for the
settlement
of affairs
on disorgan-
isation

39. Upon the disorganisation of any society the minister may appoint a liquidator or liquidators to adjust and settle the assets and liabilities of such society and such liquidator or liquidators so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such society and shall apply the same as far as the same will extend firstly in payment of his or their remuneration to be fixed by the minister and secondly in payment of the liabilities of the society; and the surplus, if any, shall be paid into the general revenue fund of the province.

Transfer of
property

(2) In case a society is disorganised and becomes an exhibition association or a joint stock company or other company whose objects are wholly or partly those of a society under the provisions of this Act such society may transfer to such association, joint stock company or other company all its property.

Approval
of minister

(3) Before such transfer takes place the directors of such association or company shall submit to the minister for his approval a copy of the proposed constitution and bylaws of such association or company and the minister may authorise the secretary of the society to transfer to such association or

company the property of such society; and such society shall thereupon cease to exist and shall be relieved from all its liabilities.

(4) When such transfer takes effect all the contracts, property, assets and liabilities of such society shall be deemed to be the contracts, property, assets and liabilities of the association or company to which the transfer is made. (New.) 1906, c. 38, s. 37. ^{Effect of transfer}

40. The Lieutenant Governor in Council may make regulations for the guidance of agricultural societies not inconsistent with the provisions of this Act respecting the manner in which their official books and records are to be kept and governing the conduct and management of agricultural educational meetings, exhibitions and any other undertakings in which such societies are authorised to engage. ^{Regulations by Lieutenant Governor in Council}

(2) Any society which fails to carry out any of such regulations shall not be entitled to participate in any appropriation in aid of agricultural societies provided by the Legislature. 1906, c. 38, s. 38.

41. *The Agricultural Societies Act*, being chapter 38 of the Acts of 1906, and all amendments thereto are repealed. ^{1906, c. 38, as amended, repealed}

42. This Act shall come into force on the first day of January, 1910. ^{Commencement of Act}

SCHEDULE.

FORM A.

(Section 6.)

APPLICATION FOR FORMATION OF SOCIETY.

To the Honourable the Minister of Agriculture for the Province of Saskatchewan:

We the undersigned hereby apply to be formed into an agricultural society under the provisions of *The Agricultural Societies Act*.

The proposed name of the society is "The Agricultural Society."

The proposed chief place of business of the society is at in the Province of Saskatchewan.

And the undersigned, each as to himself, says:

1. That he is over eighteen years of age;
2. That his occupation is correctly stated;
3. That he is a resident of the Province of Saskatchewan;

4. That he is not a member of any other agricultural society;

5. That he has subscribed to the funds of the society the sum set opposite his name in the fourth column hereunder and that he has paid to the said funds the sum set opposite his name in the fourth column hereunder.

Dated at this day of 19 .

Signature	Occupation	Post Office Address	Amount Paid

AFFIDAVIT VERIFYING APPLICATION.

Canada
Province of Saskatchewan
To wit:

} I
} in the Province of Saskatchewan
(occupation) make oath and say
} that:

1. I am one of the subscribers to the foregoing (or annexed) application;

2. I verily believe that the statements made in the said application by each of the said applicants are true;

3. The sum of _____ dollars being the total sum paid by said applicants towards the funds of the proposed Agricultural Society is now held by _____ in trust for said society.

Sworn to before me at
in the Province of Saskatchewan
this day of 19 } *Signature.*

A _____ in and for the
Province of Saskatchewan.

FORM B.

(Section 6.)

THE PROVINCE OF SASKATCHEWAN.

The Agricultural Societies Act.

This is to certify that on the _____ day of _____ 19____, application was made to the Minister of Agriculture for the Province of Saskatchewan by *(here set out names and*

addresses of applicants) for the formation of an agricultural society under the provisions of *The Agricultural Societies Act*, to be known as The Agricultural Society and to have its chief place of business at in the said province and the requirements of the said Act as to matters preliminary having been complied with it is hereby declared that the persons above mentioned have been this day organised as an agricultural society under the provisions of the said Act under the name of "The Agricultural Society" having its chief place of business as aforesaid and subject in all respects to the provisions of the said Act.

Dated at Regina this day of 19 .

.....

1909

CHAPTER 32

An Act to amend The Game Ordinance.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1903 (2nd
sess.), c. 29,
s. 2 (1), par.
6, amended

1. Paragraph 6 of subsection (1) of section 2 of *The Game Ordinance* is amended by inserting therein after the word "reside" in the second line thereof the words "and have his home."

S. 3,
amended

2. Section 3 of the said Ordinance is amended by adding the words "and the carrying of a gun ready for use in the vicinity of game shall be *prima facie* evidence of hunting."

S. 5, par. 5,
as enacted
by 1907,
c. 27, s. 2,
amended

3. Paragraph 5 of section 5 of the said Ordinance as enacted by section 2 of chapter 27 of the Statutes of 1907 is amended by striking out the words "December in any year and the fifteenth day of September" and substituting therefor the words "November in any year and the first day of October."

S. 6, par. 4,
as amended
by 1907,
c. 27, s. 3,
amended

4. Paragraph 4 of section 6 of the said Ordinance as amended by section 3 of chapter 27 of the Statutes of 1907 is further amended by striking out the figures "1910" and substituting therefor the figures and words "1915 without permission from the minister."

1907, c.
27, s. 4,
amended;
s.s. 2 and 3
added

(2) Section 4 of chapter 27 of the Statutes of 1907 repealed and the following substituted therefor:

"4. Section 4 of the said Ordinance is amended by adding thereto the following subsections as subsections (2) and (3) thereof:

"(2) No person shall at any time between the first day of November in one year and the first day of April in the following year destroy or break the house of any muskrat without permission from the minister; and no person shall at any time destroy or break any beaver dam without permission from the minister.

"(3) No person shall at any time use or set poison for the killing of any fur bearing animal."

5. Section 10 of the said Ordinance is amended by adding ^{s. 10.} the following words: "the fees for such permits shall be \$1 ^{amended} for each big game head and \$1 for each shipment of one dozen or less of ducks or geese and no person shall be entitled to export in one season more than five dozen such birds nor shall any permit be granted under this section for the export of any of the grouse family."

6. Section 11 of the said Ordinance is amended by striking ^{s. 11.} out the words "except the skin" in the third line thereof. ^{amended}

7. Section 13 of the said Ordinance is amended by striking ^{s. 13.} out all the words after the word "*Gallinae*." ^{amended}

8. Section 14 of the said Ordinance is amended by striking ^{s. 14.} out all the words after the word "animal" in the second line ^{amended} thereof and substituting therefor the words "of unprime quality or grade."

9. Section 18 of the said Ordinance is repealed and the ^{s. 18,} following section substituted therefor: ^{repealed;} ^{new s. 18}

"18. No resident of any city, town or village shall hunt, ^{License for} trap, take, shoot at, wound or kill any game birds at any time ^{resident} without having in his possession a license therefor which may be procured for \$1 from such agents as may be appointed by the minister.

"(2) No resident shall hunt, trap, take, shoot at, wound or ^{License for} kill any big game without having in his possession a license ^{resident} therefor which may be procured for \$2 from such agents as ^{is to} may be appointed by the minister. ^{big game}

"(3) No nonresident shall be entitled to hunt, trap, take, ^{License for} shoot at, wound or kill any game whether protected by this ^{non-} Ordinance or not without having first obtained a license in that ^{resident} behalf; every such license shall be signed by the minister and shall be valid only in the calendar year in which it is issued and shall be subject to the provisions of the game laws in force in the province at the time the said license is granted; the fee to be paid therefor shall be \$50 for a big game license and for a game bird license \$25 or \$10 for a period not exceeding six consecutive days; such license shall be valid only when the signature of the person to whom it is issued is indorsed thereon.

"(4) Every such person shall on request by a guardian ^{Production} produce and show to such game guardian such license and if ^{of license} he fails or refuses to do so he shall be deemed to have violated the provisions of this section.

Trophies

"(5) A holder of a big game license shall be entitled to take with him out of the province as trophies the head, skin and hoofs of any big game which may have been legally killed by him.

Regulations

"(6) The minister may make regulations regarding the issue of such licenses and for the remuneration of the persons issuing the same either by a proportion of the license fee or otherwise:

"Provided that no license shall be issued to any person under sixteen years of age without a written application from his parent or guardian."

S. 19, s.s. 1,
2, 3 and 4,
repealed;
new s.s. 1

10. Subsections (1), (2), (3) and (4) of section 19 of the said Ordinance are repealed and the following substituted therefor:

"**19.** Any nonresident found carrying a gun in any locality where game may be found shall be subject to search by a game guardian for proof."

(2) Subsection (5) of the said section 19 is hereby amended by striking out the word "permit" in the second line thereof and substituting therefor the word "license."

S. 20,
repealed;
new s. 20

11. Section 20 of the said Ordinance is repealed and the following substituted therefor:

Taxider-
mist's
license

"**20.** No person shall do business as a taxidermist without having first procured from the minister a license in that behalf the fee for which shall be \$5 annually.

Possession
by taxi-
dermist .

"(2) No taxidermist shall have in possession at any time game birds, big game or fur bearing animals or parts thereof for the purpose of preserving, mounting, stuffing or sale without having also a signed statement from the owner or person from whom it was procured to the effect that the said animal or part thereof had been legally secured and each taxidermist shall keep a duplicate receipt book in which shall be recorded all receipts of such birds or animals or parts thereof and submit a copy of the same to the minister every three months."

S. 22,
repealed;
ss. 22, 22a,
22b, 22c,
and 22d,
enacted
Beaver

12. Section 22 of the said Ordinance is repealed and the following sections are substituted therefor as sections 22, 22a, 22b, 22c and 22d thereof:

"**22.** Every person who acts in contravention of any of the provisions of this Ordinance in respect of beaver shall on summary conviction thereof be liable to a penalty of not less than \$50 nor more than \$300.

Big game

"**22a.** Every unlicensed nonresident person who hunts big game contrary to the provisions of this Ordinance shall on summary conviction thereof be liable to a penalty of not less than \$50 nor more than \$300 and the amount of the license fee.

"22b. Every person who ships furs contrary to the provisions of this Ordinance shall on summary conviction thereof be liable to a penalty of not less than \$50 nor more than \$300. ^{Illegal shipping}

"22c. Every person who violates any of the provisions of this Ordinance for which violation no penalty is herein specifically provided shall on summary conviction thereof be liable to a penalty of not less than \$10 nor more than \$100. ^{General}

"22d. Half of such fines imposed shall be paid to the complainant on his demand therefor and the other half paid into the general revenue fund of the province but if the complainant is a salaried game guardian or makes no demand for half of the fine at or before the conclusion of the trial then the whole of the fine shall be paid into the general revenue fund of the province." ^{Disposition of fines}

13. Section 26 of the said Ordinance is amended by adding thereto the following subsections: ^{S. 26, amended S.s. 2 and 3, added}

"(2) During the close season any game guardian finding a person on other than his own property carrying a gun as if for use shall have the right to search the clothing, vehicle or camp of such person. ^{Search of suspected person}

"(3) If it is proved upon oath of any game guardian before any justice of the peace that there is reasonable cause to suspect that any bird, animal or part thereof is taken in violation of this Ordinance and is concealed in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building or other place or places such justice of the peace may grant a warrant to search such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building or other place or places for such bird, animal or part thereof and if the same or any part thereof is there found to bring the same before him: ^{Issue of search warrant}

"Provided however that any district game guardian or member of the Royal North-West Mounted Police force may search the shop and premises of any taxidermist at any time without such warrant.

"(4) Any information under this section may be in form C in the schedule to this Act and any search warrant under this section may be in form D in the schedule to this Act. ^{Form of information and search warrant}

"(5) Every search warrant shall be executed by day unless the justice shall by the warrant authorise the execution thereof at night." ^{Execution of search warrant}

14. The said Ordinance is amended by adding thereto the following section as section 30 thereof: ^{S. 30, added}

"30. Notwithstanding anything in this Ordinance contained those areas of land known as "the Dominion forest reserves" set forth in schedule B to this Act are hereby proclaimed game refuges for the propagation and perpetuation of the native birds and animals and all shooting, hunting or trap- ^{Game refuges}

ping or carrying of firearms within the bounds of the said reserves is hereby declared to be a contravention of this Ordinance:

Provided

"Provided that no constable, guardian or forestry official shall be hereby prevented from carrying firearms in the performance of his duties which may under instructions from the minister necessitate the killing or taking of certain animals for the maintenance of proper control."

SCHEDULE B.

The Beaver Hills Dominion Forest Reserve in the Province of Saskatchewan consisting of townships 26 ranges 9 and 10 west of the second principal meridian and also that portion of township 27 range 10 west of the second principal meridian to be added. This reserve is situated about thirty miles west of Yorkton and contains about 100 square miles.

The Pines Dominion Forest Reserve in the Province of Saskatchewan consisting of all of township 47 range 2; all of township 46 range 2 except sections 5 and 6; sections 25, 26, 35 and 36 in township 45 range 2; sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32 and 33 in township 45 range 1; sections 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34 in township 46 range 1; sections 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32 and 33 in township 47 range 1; sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and those parts of sections 5, 8, 9 and 16 lying east of the north branch of the Saskatchewan river in township 48 range 2 all lying west of the third principal meridian. This reserve is situated south-west of Prince Albert and contains about 145 square miles.

The Moose Mountain Dominion Forest Reserve in the Province of Saskatchewan consisting of all of township 10 range 4; all of township 10 range 3 not included in the White Bear Indian reserve No. 70: sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31 and those parts of sections 7, 8, 9, 10, 11 not included in the White Bear Indian reserve No. 70 in township 10 range 2; sections 1, 2, 3, 4, 5, 6, 9, 10, 11, the south half of section 7 and the south half and north-east quarter of section 8 in township 11 range 3; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and the west half of section 12 in township 11 range 4; sections 1, 2, 11, 12 in township 11 range 5; sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 35 and 36 and those parts of sections 4, 9, 16 and 21 which were not included in the old Indian reserves Pheasant's Rump No. 68 and the Ocean Man No. 69 in township 10 range 5; sections 24, 25, 26, 34, 35, 36, the north half and south-east quarter of section 23, the north half and south-east quarter of section 27 and that part

of the north-east quarter of section 28 and of the east half of section 33 which were not included in the old Ocean Man Indian reserve No. 69 in township 9 range 5; sections 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in township 9 range 4; sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and those parts of sections 22, 27 and 34 not included in the White Bear Indian reserve No. 70 in township 9 range 3 all west of the second principal meridian and containing about 163 square miles.

The Porcupine Dominion Forest Reserve No. 2 in the Province of Saskatchewan consisting of townships 39, 40, 41 and 42 range 30; townships 39, 40, 41 and 42 ranges 31 and 32 all west of the first principal meridian. This reserve is situated south-east of Erwood just within the eastern boundary of the province and contains about 360 square miles.

FORM C.

(Section 26.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada,
Province of Saskatchewan.

The information of A.B. of _____ in the said province a guardian appointed under and by virtue of *The Game Ordinance*, taken this _____ day of _____ 19____, before the undersigned, one of his Majesty's justices of the peace in and for the said Province of Saskatchewan, who says that he has just and reasonable cause to suspect and does suspect that (*describe things to be searched for*) has (*or have*) been taken in violation of *The Game Ordinance* and is (*or are*) concealed in the (*dwelling house, etc.*) of C.D. of _____ in the said Province of Saskatchewan (*here add the cause of suspicion*): Wherefore he prays that a search warrant may be granted to him to search the (*dwelling house, etc.*) of the said C.D. as aforesaid for the said (*describe things to be searched for*).

Sworn (*or affirmed*) on the day and year first above mentioned at _____ in the said province before me.

E.F.

A Justice of the Peace in and for the
Province of Saskatchewan.

FORM D.

(Section 26.)

FORM OF SEARCH WARRANT.

Canada:

Province of Saskatchewan.

To all or any of the guardians under and by virtue of *The Game Ordinance*:

Whereas it appears on the oath of A.B., of
that there is reason to suspect that (*describe things to be searched for*) have been taken in violation of *The Game Ordinance* and are concealed in the (*dwelling house, etc.*) of C.D., of
in the said Province of Saskatchewan.

This is, therefore, to authorise and require you to enter between the hours of (*as the justice shall direct*) into the said premises, and to search for the said things and to bring the same before me or some other justice of the peace in and for the said Province of Saskatchewan.

Given under my hand and seal at
in the said province this

day of 19 .
E.F. [SEAL]

*A Justice of the Peace in and for the
Province of Saskatchewan.*

/ 1909

CHAPTER 33

An Act to amend The Herd Ordinance.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. Section 3 of *The Herd Ordinance* is amended by striking out all the words after "of" where it first occurs in the fourth line thereof down to and including the word "of" where it thirdly occurs in the sixth line thereof and by inserting after the word "district" in the seventh line thereof the words "rural municipality or village."

2. Section 30 of the said Ordinance is amended by adding thereto the following subsection as subsection (2):

"(2) The owner of any head of stock who neglects to remove from premises where it has been found within twenty days after the date of mailing of the registered notices shall be liable upon summary conviction to a penalty not exceeding \$1 for each day during which such neglect continues after the expiration of the said twenty days."

C.O. 1898,
C. 81, s. 3,
amended

s. 30,
amended;
s.s. (2)
added

Penalty
against
owner
neglecting
to remove

✓ 1909

CHAPTER 34

An Act respecting Anatomy.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

- Short title** 1. This Act may be cited as "*The Anatomy Act*."
- Subjects for anatomy** 2. The body of a person found dead, publicly exposed or who immediately before death had been supported in and by any public hospital receiving pecuniary aid from the government of this province may unless the person so dying otherwise directs be delivered by the persons in charge of such public hospital or the coroner acting in the premises to persons qualified as hereinafter mentioned for the purpose of dissection; but if such body be claimed within the usual period of interment by *bona fide* friends or relatives of the deceased the body shall be delivered to them or if the person otherwise directed as aforesaid before death the body shall be decently interred.
- Persons entitled to receive such subjects** 3. The persons qualified to receive such unclaimed bodies shall be such medical practitioners as are duly qualified to practise and are actually practising under the provisions of *The Medical Profession Act* who may require such bodies for dissection either for their own improvement or the instruction of any student or students under them or the teachers of surgery and anatomy in any public or private school, college, society or faculty of medicine or surgery that may hereafter be established in this province.
- Particulars as to unclaimed bodies to be furnished by hospital authorities or coroner** 4. The person in charge of any and every public hospital as aforesaid or the coroner of each district shall forward to the registrar of the college of physicians and surgeons of the province of Saskatchewan particulars of the name, age, sex and birthplace (if it can be ascertained) and date of death of all unclaimed bodies given up by them respectively for dissection under this Act within one week from the time of giving up such bodies as aforesaid.
- Record of subjects and persons to whom delivered** 5. It shall be the duty of the said registrar to enter in a book to be kept for that purpose by him the name and residence of all medical practitioners qualified to receive and desirous of

receiving bodies for dissection and to enter from the returns forwarded to him by the person or persons in charge of the public hospitals or of the coroners in a register to be kept for that purpose the name, age, sex, birthplace (if it can be ascertained) and date of death of all persons mentioned in such returns with the name and place of residence of the practitioner to whom the body was delivered as aforesaid.

6. Such returns, book and register shall be open at all reasonable hours for the inspection of any person who may desire to inspect the same on payment of a fee of fifty cents. Record to be open for inspection

7. The person or persons in charge of the public hospitals as aforesaid or the coroner shall make an impartial distribution of the bodies in rotation according to the actual wants of the claimants. Distribution of subjects

8. On delivery of every such unclaimed body as aforesaid the person or persons in charge of the hospital or the coroner, as the case may be, shall take from the medical practitioner receiving the body a receipt in form A in the schedule hereto; and such practitioner shall pay the sum of five dollars to the person from whom he receives the body and take a receipt therefor in the form B in the schedule hereto; and such sum shall in every case be forwarded to the provincial treasurer to be applied towards the support and maintenance of the public hospitals in the province. Receipt for subjects

9. The coroner who presides at the inquest on any body found publicly exposed and unclaimed by *bona fide* friends or relatives of the deceased may deliver the body to any medical practitioner (on application by him) duly qualified to receive the same under this Act. Delivery of subjects

10. Every medical practitioner wishing to avail himself of the benefits of the eight last preceding sections of this Act shall appear before a justice of the peace and give security himself in the sum of one hundred dollars and two sureties in the sum of fifty dollars each for the decent interment of the bodies after they have served the purposes authorised by this Act. Security to be given by persons desiring to receive subjects

SCHEDULE.

FORM A.

(Section 8.)

Received from Coroner,
(or persons, etc.) the body of (here give particulars of the

age, sex, birthplace and date of death of deceased) for the purpose of dissection and anatomical instruction.

Dated the _____ day of _____ 19 .

Witness:

.....

FORM B.

(Section 8.)

Received from (*medical practitioner's name*) the sum of dollars for the body of (*here give particulars of the name, age, sex, birthplace and date of death of the deceased*) and I hereby certify that the said body has not been claimed by *bona fide* friends or relatives of the said deceased.

Dated the _____ day of _____ 19 .

Witness:

.....

1909

CHAPTER 35

An Act to amend the Statute Law.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. This Act may be cited as "*The Statute Law Amendment Act 1909.*" short title.

2. Section 1 of chapter 15 of the Statutes of 1908-9, intituled "*An Act to amend the Statute Law,*" is amended by striking out the figures "1909" where they occur therein and substituting therefor the figures "1908-9." 1908-9, c. 15, s. 1, amended

(2) The figures "1908-9" are substituted for the figures "1909" wherever the same occur in any Act or in any order or regulation made thereunder referring to the said chapter 15. ✓

3. Subsection (1) of section 5 of *The Trust Companies Ordinance* is hereby repealed and the following substituted therefor: 1903 (sess. 1), c. 15, s. 5, s.s. 1, amended

"5. Where a trust company is authorised to execute the office of executor, administrator, trustee, assignee, guardian or committee then in case the Lieutenant Governor in Council approves of such being accepted by the supreme court or by any district court or surrogate court or by any judge of any such court respectively as a trust company for the purposes of such courts any of the said courts having jurisdiction in that behalf and any judge thereof may with the consent of the company appoint such company to exercise any of the said offices in respect of any person or estate under the authority of such court or judge or may grant to such company probate of any will in which such company is named as executor; but no company which has issued or has authority to issue debentures shall be approved as aforesaid." Appointment of company as trustees, etc. ✓

(2) The said section 5 is hereby further amended by adding thereto the following as subsection (6) thereof: 1903, c. 15, s. 5, amended; new s.s. (6)

"(6) Any company heretofore approved by the Lieutenant Governor in Council for acceptance by the supreme court as aforesaid shall be deemed to be approved for acceptance by any district or surrogate court or any judge thereof." ✓

1906,
c. 30, s. 102,
amended

4. Section 102 of *The Railway Act* is hereby amended by striking out the words "Dominion land surveyor or an engineer" in the second line thereof and by substituting therefor the words "Saskatchewan land surveyor."

1906, c. 25,
ss. 16 and 17,
repealed

S. 22,
amended

5. Sections 16 and 17 of *The Assignments Act* are repealed.
(2) Section 22 of the said Act is amended by striking out the words "sixteenth and twentieth sections" where they occur in the first and second lines thereof and substituting therefor the word and figures "section 20."

1908,
c. 50, s. 2,
amended

6. Section 3 of chapter 50 of the Acts of 1908, intituled "*An Act to incorporate The Hudson Bay Insurance Company*," is amended by striking out the words "either" and "or elsewhere" where the same occur in the fourth line thereof.

1908-9,
c. 10, s. 30,
amended

7. Section 30 of *The Veterinary Association Act* is amended by striking out the words "subject to clause (a) of section 4 of this Act" where they occur therein.

1901,
c. 8, s. 2,
repealed;
new s. 2
Interpre-
tation

8. Section 2 of *The Hospitals Ordinance* is repealed and the following substituted therefor:

"2. In this Ordinance unless the context otherwise requires the expression:

"Minister"

"1. 'Minister' means the member of the executive council to whom for the time being is assigned the supervision of the administration of this Act;

"Patient"

"2. 'Patient' means every person admitted to a hospital for actual treatment and stay upon the order of a duly qualified medical practitioner."

1904,
c. 3, s. 3 (1),
amended

9. Subsection (1) of section 3 of chapter 3 of the Ordinances of 1904, intituled "*An Ordinance respecting Masters and Servants*," is amended by inserting therein after the word "the" where it secondly occurs in the tenth line thereof the word "employee."

S. 3 (2),
amended

(2) Subsection (2) of the said section 3 is amended by inserting after the word "the" where it thirdly occurs in the first line thereof the word "employee" and further by inserting after the word "such" where it occurs in the sixth line thereof the word "employee."

C.O. 1898,
c. 46, s. 9,
amended

10. Section 9 of *The Marriage Ordinance*, being chapter 46 of *The Consolidated Ordinances 1898*, is amended by adding thereto the following subsections:

Prohibited
degrees to
be set forth
in form of
affidavit

"(3) Upon the back or at the foot of the printed forms of affidavits so to be made shall be printed a memorandum showing the degrees of affinity and consanguinity between the parties which bar or hinder the solemnisation of marriage between them.

"(4) The issuer or the justice of the peace shall before administering the oath to the applicant see that the applicant is aware of the degrees of affinity and consanguinity which are a bar to the solemnisation of marriage. ^{Duty of issuer or justice of the peace}

"(5) This section shall come into force on the first day of February, 1910." ^{Commencement of section}

11. Section 19 of *The Steam Boilers Act*, as enacted by 1906, c. 15, section 7 of chapter 11 of the Acts of 1908, is amended by adding thereto the following as subsection (3) thereof: ^{s. 19, amended}

"(3) The fee for the examination of such specifications and blue prints as may be required under foregoing regulations shall be such as is fixed by the minister from time to time." ^{Fees} ✓

12. *The Treasury Department Act* is amended by adding thereto the following as section 6a: ^{1907, c. 6, amended; s. 6a, added}

"6a. Whenever in any Act provision is made whereby a deposit of funds shall be made with the Government of Saskatchewan or with any public officer of the province such deposit with the consent of the Lieutenant Governor in Council and notwithstanding anything contained in such Act as to the manner in which such funds shall be deposited may be made by the deposit with the provincial treasurer of bonds or debentures of any city, town, village, rural municipality, school district or drainage district in the province of the value of the required deposit." ^{Deposit of funds} ✓

(2) Section 9 of the said Act is amended further by inserting therein after the word "or" in the sixth line thereof the words "drainage districts or." ^{s. 9, amended} ✓

13. *The Wolf Bounty Act* is amended by inserting therein after section 6 thereof the following as section 6a: ^{1907, c. 28, amended; s. 6a, added}

"6a. Every wolf bounty district then existing under the provisions of this Act shall on, from and after the thirteenth day of December, 1909, become and be disorganised and cease to exist as a district until again declared and gazetted a wolf bounty district." ^{Districts disorganised} ✓

14. Section 7 of *The Police Magistrates' Act* is amended by inserting therein at the commencement thereof and at the end thereof the words "within the judicial district in which is situated the city or town for which he has been appointed police magistrate." ^{1907, c. 14, s. 7, amended} ✓

15. Section 8 of the Act passed during the present session of the Legislature, intituled "*An Act to incorporate The Yorkton Agricultural and Industrial Exhibition Association, Limited*," is amended by striking out the words "or represented by written proxy" where they occur therein.

1907,
c. 41, s. 8,
amended

16. Section 8 of chapter 41 of the Acts of 1907, intituled "*An Act to incorporate The Regina Agricultural and Industrial Exhibition Association, Limited,*" is amended by striking out the words "or represented by written proxy" where they occur therein.

1908,
c. 37, s. 1,
amended

17. Section 1 of chapter 37 of the Statutes of 1908, intituled "*An Act to provide for the Consolidation of the Statutes of Saskatchewan,*" is amended by inserting therein after the word "Saskatchewan" where it secondly occurs therein the words "and second session of the second Legislature."

1903
(sess. 1),
c. 6,
repealed
1908, c. 15,
amended;
new s. 17a

✓ **18.** *The Drainage Ordinance* is hereby repealed.

19. *The Municipal Commissioner's Act* is amended by inserting therein immediately after section 17 the following as section 17a thereof:

Minister
may charge
for
collections ✓

"17a. The minister of municipal affairs may deduct from all taxes collected by him such percentage thereof as he may estimate to be the cost of collecting such taxes and the amounts so deducted shall form part of the general revenue of the province."

1901, c. 20,
s. 98 (2),
amended ✓

20. Subsection (2) of section 98 of *The Companies Ordinance* is amended by striking out the word "special" where it occurs therein.

1906, c. 7,
s. 4 (2), as
enacted by
1907, c. 32,
s. 13,
amended ✓

21. Subsection (2) of section 4 of *The Attorney General's Act*, as enacted by section 13 of chapter 32 of the Statutes of 1907, is amended by striking out the words after "department" in the third line thereof down to and including the word "time" in the fourth line thereof.

1908, c. 2,
s. 286, as
enacted by
1908-9, c. 15,
s. 22,
repealed;
new s. 286

22. Section 286 of *The Saskatchewan Election Act*, as enacted by section 22 of chapter 15 of the Statutes of 1908-9, is repealed and the following substituted therefor:

✓ **"286.** Until otherwise provided by the Lieutenant Governor in Council the operation of sections 15 to 82 both inclusive of this Act is suspended and with respect to any election which is held during the said period of suspension the provisions of sections 269 to 285 of this Act shall apply:

"Provided however that in the case of an election which is held in any city constituency in which a list of voters has been made and revised for the purpose of the voting on a local option bylaw or a repealing bylaw under the provisions of *The Liquor License Act* such list so made and revised shall be and constitute the list of voters for the purposes of such election."

S. 55 (2),
amended;
proviso
added

(2) Subsection (2) of section 55 of the said Act is amended by adding thereto the following proviso:

"Provided that the Lieutenant Governor in Council may ^{Provide} order the distribution free of charge therefor to each member of the Legislative Assembly of such number of copies not exceeding ten of the lists for the electoral division represented by each such member and to the last unsuccessful candidate or candidates for the electoral division affected by such lists."

23. Subsection (7) of section 24 of *The Liquor License Act* ^{1908, c. 14, s. 24 (7), as enacted by 1908-9, amended} is amended by striking out the figures "1910" where they occur therein and substituting therefor the figures "1911."

24. Section 3 of *The Creditors' Relief Ordinance* is amended ^{C.O., 1898, c. 26, s. 3, amended} by striking out the words "of the North-West Territories" where they occur therein and substituting therefor the words "or from a district court."

(2) This section shall be deemed to have been in force on and since the sixteenth day of September, 1907.

25. Section 66 of *The Mutual Fire Insurance Ordinance* is ^{1903 (second session), c. 21, s. 66, repealed; new s. 66} repealed and the following substituted therefor:

"**66.** A mutual company may effect policies of insurance on the cash premium plan for periods not exceeding three years and the directors shall prepare a tariff of rates for such policies; but no premium to be paid on such policies shall be less than at the rate of one and one-quarter per centum for three years and no single risk shall be undertaken for a larger amount than \$2,000." ^{Policies to be issued on cash plan}

26. Chapter 3 of the Acts of 1908-9, intituled "*An Act to authorise the Guarantee of certain Securities of the Canadian Northern Railway Company*" ^{1908-9, c. 3, amended; s. 12 added} is amended by adding thereto the following section:

"**12.** If on the completion of any line or lines of railway mentioned in the schedule hereto it is ascertained that the mileage of any such line or lines or the aggregate mileage of all the said lines is less than the mileage estimated in the said schedule it shall be lawful for the Lieutenant Governor in Council to authorise the use by the company of any balance of the money realised by sale, pledge or otherwise of the said securities remaining unexpended in the construction of any extension or extensions of any such line or lines to complete the distance of any such line or the aggregate distance of the lines mentioned in the said schedule and in case the Lieutenant Governor authorises any such expenditure such extensions shall for the purposes of the securities hereinbefore provided for be deemed to be part of the line or lines to which the extension is made and as such included in and covered by the mortgage

herein provided for and such unexpended balance shall be paid out to the company or its nominee as provided in section 11 hereof."

1908-9, c. 4,
amended;
s. 12, added

27. Chapter 4 of the Acts of 1908-9, intituled "*An Act to authorise the Guarantee of certain Securities of the Grand Trunk Pacific Branch Lines Company*" is amended by adding thereto the following section:

"**12.** If on the completion of any line or lines of railway mentioned in the schedule hereto it is ascertained that the mileage of any such line or lines or the aggregate mileage of all the said lines is less than the mileage estimated in the said schedule it shall be lawful for the Lieutenant Governor in Council to authorise the use by the company of any balance of the money realised by sale, pledge or otherwise of the said securities remaining unexpended in the construction of any extension or extensions of any such line or lines to complete the distance of any such line or the aggregate distance of the lines mentioned in the said schedule and in case the Lieutenant Governor authorises any such expenditure such extensions shall for the purposes of the securities hereinbefore provided for be deemed to be part of the line or lines to which the extension is made and as such included in and covered by the mortgage herein provided for and such unexpended balance shall be paid out to the company or its nominee as provided in section 11 hereof."

C.O., 1898,
c. 43,
amended;
s. 6a, added
Affidavits
of bona
fides where
mortgage
given by
company
to secure
bonds or
debentures

28. *The Bills of Sale Ordinance* is amended by adding thereto the following as section 6a thereof:

"**6a.** In the case of a mortgage or conveyance of goods and chattels of any incorporated company made to a bondholder or bondholders or to a trustee or trustees for the purpose of securing the bonds or debentures of such company instead of the affidavit of *bona fides* required by section 6 of this Act it shall be sufficient for the purposes of this Act if an affidavit is filed as thereby required made by the mortgagee or one of the mortgagees to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors or of preventing the creditors of such mortgagors from obtaining payment of any claim against them."

Renewal of
mortgages

"(2) Any such mortgage may be renewed in the manner and with the effect provided by section 17 and subsequent sections of this Ordinance upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage and showing the amount of the bond or

debenture debt which the same was made to secure and showing all payments on account thereof which to the best of the information and belief of the person making such statement have been made or of which he is aware or has been informed together with an affidavit of the person making such statement that the statement is true to the best of his knowledge, information and belief and that the mortgage has not been kept on foot for any fraudulent purpose; and such statement shall be filed instead of the statement required by the said section 17 of this Ordinance.

“(3) If any mortgage as aforesaid is made to an incorporated company the several affidavits and statements herein mentioned may be made by the president, vice president, manager or assistant manager of such mortgage company or any other officer of the company authorised for such purpose, in which latter case such authority or a copy thereof shall be filed as required by this Ordinance.

“(4) Where such mortgage or conveyance is made as a security for debentures and the bylaw authorising the issue of the debentures as a security for which the mortgage or conveyance was made or a copy thereof certified under the hand of the president or vice president and the secretary of the company and verified by an affidavit of the secretary thereto attached or indorsed thereon and having the corporate seal attached thereto is registered with the mortgage or conveyance it shall not be necessary to renew the said mortgage or conveyance but the same shall in such case continue to be as valid as if the same had been duly renewed as in this Ordinance provided.”

(2) Section 2 of the said Ordinance is amended by adding thereto the following subsection:

“(3) The Lieutenant Governor in Council may from time to time appoint a deputy registration clerk for each registration district who may in the event of vacancy in the office of the registration clerk or of the illness or absence from his office of the registration clerk perform all the duties required by this or any other Ordinance or Act to be performed by the registration clerk.”

(3) Subsection (5) of section 17 of chapter 15 of the Statutes of 1908-9, intituled “*An Act to amend The Statute Law*” is amended by inserting before the word “section” at the commencement thereof the words and figure “Subsection (1) of” and by striking out the word “section” in the second line thereof and substituting therefor the word “subsection” and the said Act shall be construed as though the words and figure so added and substituted had always been contained therein.

(4) Section 22 of the said Ordinance is hereby repealed and the following substituted therefor:

“22. In the case of a mortgage or sale of goods to an incorporated company the affidavit of *bona fides* required by this

Act and the affidavit required upon the renewal of a chattel mortgage may be made by the president or vice president, manager, assistant manager, secretary or treasurer of such company or by any other officer or agent of such company duly authorised by resolution of the directors in that behalf; any such affidavit made by an officer or agent shall state that the deponent is aware of the circumstances connected with the sale or mortgage, as the case may be, and has personal knowledge of the facts deposed to."

S. 30,
amended

(5) Section 30 of the said Ordinance is amended by inserting after the word "clerk" in the second line thereof the words "or the registrar of joint stock companies" and by inserting after the word "clerk's" in the sixth line thereof the words "or registrar's."

S. 34,
amended

(6) Section 34 of the said Ordinance as enacted by section 4 of chapter 25 of the Acts of 1908 is repealed and the following substituted therefor:

Bill of sale
of rolling
stock to be
filed in office
of registrar
of joint
stock
companies

"34. In the case of a bill of sale or of a mortgage or conveyance for the purpose of securing bonds or debentures made by an incorporated company of cars, equipment, rolling stock and other chattel property owned by it it shall be sufficient for the purpose of this Act if the bill of sale, mortgage or conveyance or a notarial copy thereof be filed in the office of the registrar of joint stock companies within the time limited by this Act for filing chattel mortgages; such bill of sale, mortgage or conveyance shall have priority from the date of filing and such mortgage or conveyance shall remain in force without the necessity of renewal or of any affidavits of execution or *bona fides* until the same has been discharged and satisfied; and a discharge of such mortgage or conveyance may be registered in such office.

"(2) Any such bill of sale, mortgage or conveyance heretofore given which has been duly registered and renewed in accordance with the Statutes relating thereto from time to time in force or a sworn copy thereof may be deposited in the office of the registrar of joint stock companies within ninety days after the passing of this Act; and notice of such deposit shall forthwith thereafter be given in *The Saskatchewan Gazette*.

"(3) No objection shall be taken on the part of any creditor of such company or any purchaser or mortgagee becoming such creditor or purchaser or mortgagee subsequent to the giving of such notice to any such mortgage or other instrument in respect of which such deposit has been made and such notice given on the ground that the same has not been otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property."

29. Section 12 of chapter 55 of the Acts of 1908-9, intituled ^{1908-9,} *"An Act to incorporate The Institute of Chartered Accountants of Saskatchewan"* ^{c. 55, s. 12,} is repealed and the following substituted ^{repealed;} therefor as section 12 thereof: ^{new s. 12}

"**12.** The institute may charge such fees as may be ^{Fees} approved by the Lieutenant Governor in Council."

30. Section 8 of the Ordinance respecting Auctioneers, ^{C.O., 1898,} Hawkers and Pedlers is hereby repealed. ^{c. 58, s. 8,} ✓ ^{repealed}

31. *The Municipal Public Works Act* is amended by adding ^{1906, c. 34,} thereto the following section: ^{amended}

"**60.** The power to borrow money on the credit of the muni- ^{Power of} cipality at large and to issue debentures therefor for any of ^{borrowing} the purposes specified in this Act is hereby declared to be ^{declared} conferred and always to have been conferred by this Act." ^{to exist} ✓

32. Section 93 of *The Rural Municipality Act* is hereby ^{1908-9,} amended by striking out the word "resident" where it occurs ^{c. 6, s. 93,} in the second line thereof. ^{amended} ✓

33. Section 54 of *The Legislative Assembly Act* is hereby ^{1906,} amended by striking out the words "before the clerk of the ^{c. 4, s. 33,} Legislative Assembly or a justice of the peace" where they ^{amended} occur therein. ✓

34. Section 4 of chapter 8 of the Acts of 1908, intituled ^{1908,} *"An Act respecting Seed Grain"* is amended by inserting ^{c. 8, s. 4,} therein after the word "elsewhere" in the seventh line thereof ^{amended} the words "and subject to the provisions of subsection (4) of section 5 hereof upon any land stated in the application for seed grain to be held under an agreement or contract for the purchase thereof." ✓

(2) Subsection (1) of section 5 of the said Act is amended ^{S. 5 (1),} by striking out all the words after the word "payable" in the ^{amended} eighth line thereof down to and including the word "applicant" in the eleventh line thereof and by inserting therein [✓] after the word "shall" in the twelfth line thereof the words "except as hereinafter provided as to tenants."

(3) Section 5 of the said Act is further amended by adding ^{S. 5,} thereto the following subsections: ^{amended;} ^{s.s. 4 and 5,} ^{added}

"(4) In case it shall be made to appear to the minister of agriculture that any land against which such memorandum is entered was not at the date of the application owned by the applicant or that such applicant was not then interested [✓] therein under an agreement or contract for the purchase thereof he may require the registrar to cancel the said memorandum and when so cancelled such land shall be discharged from the said lien unless such land is otherwise subject to a lien under this Act.

“(5) The minister of agriculture shall also send to each registrar as aforesaid a statement showing in alphabetical order the name of each applicant for seed grain who appears on the applications therefor to be a tenant of some other person of the land for the cultivation of which the seed grain was furnished and the other particulars mentioned in subsection (1) of this section and as to such tenants no memorandum shall be entered or indorsed as aforesaid upon such land unless the same is otherwise subject to a lien under this Act.”

1909

CHAPTER 36

An Act respecting The Government Annuities
Act 1908.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the
Legislative Assembly of Saskatchewan enacts as follows:

1. The property and interest of an annuitant or of any person interested or entitled in or to any contract for an annuity or an annuity itself under *The Government Annuities Act 1908*, being an Act of the Parliament of Canada passed at the session held in the seventh and eighth years of his Majesty's reign, chaptered 5 and *The Government Annuities Act 1909*, passed in amendment thereof or in or to any moneys payable or paid under or by any reason of such contract or annuity shall be exempt from seizure, levy or attachment by or under the process of any court and shall not be affected by any trust, charge or lien:

Provided however that nothing in this Act contained is intended to conflict or be inconsistent with any enactment or provision of *The Government Annuities Act 1908* or *The Government Annuities Act 1909* aforesaid.

1909

CHAPTER 37

An Act respecting the Transfer of Lands sold by the
Municipalities of Wolseley and Qu'Appelle, now
disorganised.

[Assented to December 18, 1909.]

Preamble

WHEREAS under Ordinance No. 30 of the Ordinances of the North-West Territories passed in the year 1896, intituled "*An Ordinance to Disorganise the Municipalities of Wolseley and Qu'Appelle*" the corporations of the said municipalities ceased to exist as bodies corporate on and after the first day of January, 1898;

And whereas under and by virtue of the powers conferred on him in that behalf the secretary treasurer of each of the said municipalities had theretofore sold certain lands for nonpayment of taxes but transfers to the respective purchasers of said lands had not been executed before the date of such disorganisation and it is deemed expedient to invest some person with authority to transfer said lands:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Appoint-
ment of
person
to make
transfer

1. The Lieutenant Governor in Council upon the recommendation of the minister of municipal affairs may appoint some person to carry out the purposes of this Act and on such appointment such person shall be vested with power and authority to execute and deliver a transfer or transfers of any lands sold by the secretary treasurer of either the said municipality of Wolseley or the said municipality of Qu'Appelle for nonpayment of taxes and not transferred before the disorganisation of such municipality; and a transfer so executed and delivered by the person so appointed shall upon confirmation of the sale by a judge of the district court of the judicial district within which the land is situate have the same effect as though such transfer had been executed by the secretary treasurer of the municipality of Wolseley or Qu'Appelle, as the case may be, before the disorganisation thereof.

Notice of
appoint-
ment

2. Notice of the appointment of such person shall be given by publication in *The Saskatchewan Gazette*.

Such
person
may
require
evidence
of title

3. The person so appointed may require any applicant for such transfer to produce before him satisfactory evidence that such applicant is entitled to receive such transfer.

1909

CHAPTER 38

An Act to amend The Liquor License Act.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Section 2 of *The Liquor License Act* is amended by adding thereto the following paragraphs: <sup>1938,
c. 14, s. 2,
amended</sup>

"16. 'Local option bylaw' means a bylaw under the provisions of this Act duly passed by the council of any city, town, rural municipality or local improvement district declaring in favour of the prohibition of the sale of intoxicating liquors in such city, town, rural municipality or local improvement district respectively; "Local option bylaw"

"17. 'Repealing bylaw' means a bylaw duly passed under the provisions of this Act by the council of any city, town, rural municipality or local improvement district repealing a local option bylaw; "Repealing bylaw"

"18. 'Voter' when used in reference to a local option bylaw or a repealing bylaw or any act, matter or thing done or to be done thereunder means a person entitled to vote on such local option bylaw or repealing bylaw as provided by this Act." "Voter"

2. The said Act is amended by inserting immediately after section 21 thereof the following as section 21a: <sup>s. 21a,
added</sup>

"21a. No license shall be granted under the provisions of this Act to any person in respect of any premises situate on the east side of the south branch of the Saskatchewan river and within three-quarters of a mile of the boundaries of the lands owned or occupied by the University of Saskatchewan." ^{License prohibited near University}

3. Section 64 of the said Act is amended by adding thereto the following as subsection (2) thereof: <sup>s. 64,
amended;
s.s. 2,
added</sup>

"(2) There shall not be any communication by speaking tube, wire or otherwise between the bar room or the vicinity thereof and any other part of any such house or premises whereby any signal or communication can be conveyed to any person or persons in such bar room from any portion of the said house or premises." ^{Speaking tubes, etc., prohibited}

**S. 47,
amended**

4. Subsection (1) of section 47 of the said Act is amended by striking out the symbol and figures "\$400" where they occur in subparagraph (a) of paragraph 1 thereof and substituting therefor the symbol and figures "\$500."

(2) Subsection (1) of section 47 of the said Act is further amended by striking out the symbol and figures "\$300" where they occur in subparagraph (b) of paragraph 1 thereof and substituting therefor the symbol and figures "\$400."

(3) Subsection (1) of section 47 of the said Act is further amended by striking out the symbol and figures "\$250" where they occur in subparagraph (c) of paragraph 1 thereof and substituting therefor the symbol and figures "\$300."

(4) Subsection (1) of section 47 of the said Act is further amended by striking out the symbol and figures "\$400" where they occur therein in subparagraph (a) of paragraph 2 thereof and substituting therefor the symbol and figures "\$750."

(5) Subsection (1) of section 47 of the said Act is further amended by striking out the symbol and figures "\$300" where they occur in subparagraph (b) of paragraph 2 thereof and by substituting therefor the symbol and figures "\$500."

(6) Section 47 of the said Act is further amended by adding thereto the following proviso to subsection (2) thereof:

"Provided that save as provided in this section no fee shall be collected by any municipality from any person holding an hotel or wholesale license in respect of such license and no business tax shall be imposed by any municipality upon the licensed premises of such licensee or income tax upon the income derived by such licensee from the business carried on by him under the said license."

**S. 107a,
added**

5. The said Act is amended by adding thereto the following as section 107a:

**Evidence
of keeping
for sale**

"107a. Where upon a prosecution of any person for the violation of any of the provisions of this Act the justice or justices hearing the case find that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar room shall be conclusive evidence that such liquor was kept upon the premises for sale."

**S. 98,
amended**

6. Section 98 of the said Act is amended by adding thereto the following subsections:

**Inspector,
etc., may
demand
names, etc.**

"(3) Any inspector, policeman, constable or officer who has in pursuance of this or the next preceding section entered any unlicensed premises upon which he seizes or from which he removes any liquor as aforesaid may demand the name and address of any person found upon such premises; and the

inspector, policeman, constable or officer if such person refuses to give his name and address or if the inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name or address and may if such person fails upon such demand to give his name and address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer apprehend him without warrant and carry him as soon as possible before a justice of the peace.

"(4) Any person found upon such premises who upon the demand of the inspector, policeman, constable or officer refuses to give his name and address or gives a false name or address or gives false information with respect to such name or address or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer shall be liable on summary conviction thereof to a penalty of not less than \$10 nor more than \$20 and in default of payment forthwith to imprisonment for a period of not less than ten nor more than twenty days. ^{Penalty}

"(5) Where an inspector, policeman, constable or officer finds liquor in transit or in course of delivery upon the premises of any railway company or at any wharf, railway station, express office, warehouse or other place and believes that such liquor is to be sold or kept for sale in contravention of this Act he may forthwith seize and remove the same. ^{Powers of inspectors, etc., regarding liquors in transit}

"(6) Any inspector, policeman, constable or officer if he believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle on a public highway or elsewhere or is concealed upon the lands of any person shall have power without warrant to search for such liquor wherever he may suspect it to be and if need be by force and may search the person himself and may seize and remove any liquor found and the vessels in which the same is kept. ^{Power of search}

"(7) Where liquor has been seized under subsections (5) or (6) hereof the person seizing the same shall lay an information under oath before a justice of the peace who shall thereupon issue his summons directed to the consignee or owner of the liquor calling upon him to appear at a time and place named in the summons and show cause why such liquor should not be dealt with as provided by subsection (2) hereof. ^{Procedure regarding liquor seized in transit}

"(8) It shall be sufficient service of the summons if the same is served personally or left with some grown up person at the residence of such consignee or owner. ^{Service of summons}

"(9) The summons shall be made returnable within thirty days after the service thereof. ^{Summons when returnable}

"(10) At the time and place named in the summons any person who claims that the liquor is his property and that the ^{Adjudication}

same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the justice; and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

Disposition
of liquor

"(11) If no person claims to be the owner of the liquor or if the justice disallows such claim and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to his Majesty to be sold or otherwise dealt with in such manner as the attorney general may direct.

May be sold
to licensee

"(12) The liquor so seized may under the direction of the attorney general be sold to any hotel or wholesale licensee and the proceeds after payment of any lawful costs of carriage and the expenses of such seizure and sale shall forthwith be transmitted to the attorney general."

S. 129,
amended

7. Section 129 of the said Act is amended by striking out the word "or" wherever it occurs therein and further by inserting therein after the word "municipality" wherever it occurs therein the words "or local improvement district."

S. 130,
repealed;
new s. 130

8. Section 130 of the said Act is repealed and the following substituted therefor:

Submission
of local
option
bylaw or
repealing
bylaw

"130. In case a petition in writing signed as hereinafter provided is filed with the clerk of any city or the secretary or the secretary treasurer of any town, rural municipality or local improvement district:

- (a) On or before the fifteenth day of October in any year except as otherwise provided by section 138 hereof asking for the submission of a local option bylaw; or
- (b) On or before the fifteenth day of October in any year in which under and by virtue of section 138 hereof a repealing bylaw may be submitted asking for the submission of a repealing bylaw;

the council of such city, town, rural municipality or local improvement district respectively shall at its first regular meeting after the receipt of such petition or if necessary at a special meeting to be called for that purpose introduce such a local option bylaw or repealing bylaw and give the same its first and second readings before the tenth day of November in such year and shall submit such local option bylaw or repealing bylaw to a vote of the voters, as is hereinafter provided, to be taken at the next following annual elections of such city, town, rural municipality or local improvement district respectively.

"(2) Such petition shall be signed in the case of any city by ^{Form of} at least one hundred persons and in the case of any town, rural ^{petition} municipality or local improvement district by at least twenty-five persons possessing the qualifications set out in paragraph 1 of form U in the schedule to this Act and such petition shall be in the said form U.

"(3) Any person who wilfully or knowingly signs such petition without possessing the qualifications of a petitioner set out in paragraph 1 of the said form U in the schedule to this Act shall be liable on summary conviction thereof to a penalty of not more than \$50. ^{Penalty}

"(4) No signature to any such petition shall be valid or of any effect if it has been subscribed thereto or indorsed thereon ^{Certain} before the first day of July in the year in which such petition ^{signatures} is filed as provided herein. ^{to be} ^{invalid}

9. Section 131 of the said Act is amended by striking out the words "whose names appear on the voters' lists hereinafter provided for" in the first and second lines thereof and by adding thereto the words "as is hereinafter provided." ^{S. 131,} ^{amended}

10. Section 132 of the said Act is repealed and the following substituted therefor: ^{S. 132,} ^{repealed;} ^{new s. 132}

"132. The voting on any such local option bylaw or repealing bylaw shall take place on the same day as that fixed for the polling at the annual elections of such city, town, rural municipality or local improvement district and the voting shall be during the same hours and at the same places where such polling is or should be held and the returning officer and the deputy returning officers shall be the same." ^{Time and} ^{place of} ^{voting}

11. Section 133 of the said Act is amended by inserting after the word "shall" in the first line thereof the word "forthwith" and further by striking out the word "municipality" wherever it occurs therein and substituting therefor the words "city, town, rural municipality or local improvement district, as the case may be," and further by striking out the words "one month" where they occur in the nineteenth line thereof and substituting therefor the words "three weeks" and further by inserting after the word "proposed" wherever it occurs therein the words "local option bylaw or repealing." ^{S. 133,} ^{amended}

12. Section 134 of the said Act is repealed and the following substituted therefor: ^{S. 134,} ^{repealed;} ^{new s. 134}

"134. In any town, rural municipality or local improvement district the only persons entitled to vote on such local option bylaw or repealing bylaw shall be those male persons of the full age of twenty-one years who are British subjects by birth or naturalisation and who are not Indians or persons of the ^{Who may} ^{vote in} ^{towns,} ^{rural} ^{municipalities} ^{and local} ^{improvement} ^{districts}

Chinese race and who have resided in Saskatchewan for at least twelve months and in such town, rural municipality or local improvement district in which they seek to vote for at least three months immediately preceding the date of the voting on such local option bylaw or repealing bylaw and who upon the demand, if any, of any person entitled to be present in the polling place during the voting make the affidavit in form V in the schedule to this Act to be taken before the returning officer or deputy returning officer, as the case may be.

Who may
vote in
cities

"(2) In the case of a city a copy of such petition shall be filed with the clerk of the executive council on or before the first day of September in the year in which it is filed with the city clerk; forthwith thereafter a list of voters for the electoral division constituted by such city shall be made under the provisions of sections 15 to 82 of *The Saskatchewan Election Act* which for such purpose are declared to be in full force and effect anything to the contrary contained in any Act notwithstanding and shall *mutatis mutandis* apply thereto to the extent to which the same may be applicable.

Clerk
of the
executive
council
to furnish
copy of
lists
Who may
vote

"(3) The clerk of the executive council shall as soon as may be furnish a certified copy of such list so made and revised to such city clerk.

"(4) Only those persons whose names are on such list of voters shall be entitled to vote on such local option bylaw or repealing bylaw:

Proviso

Provided however that no such person shall vote on such bylaw or repealing bylaw unless if required thereto by any person entitled to be present in the polling place he takes the oath in form 44 in the schedule to *The Saskatchewan Election Act*."

S. 135,
amended

13. Section 135 of the said Act is amended by striking out the word "municipal" in the second line thereof and further by inserting therein after the word "municipalities" in the third line thereof the words "or local improvement district."

S. 136,
amended

14. Section 136 of the said Act is amended by inserting therein after the word "vote" in the first line thereof the words "on a local option bylaw or a repealing bylaw" and further by striking out the words "the bylaw" after the word "quash" in the second line thereof and substituting therefor the words "a local option bylaw or repealing bylaw" and further by striking out the word "municipal" in the seventh line thereof and further by inserting after the word "municipalities" in the last line thereof the words "or local improvement districts."

S. 136,
amended;
s.s. 2, added

15. Section 136 of the said Act is further amended by adding thereto the following as subsection (2) thereof:

"(2) The provisions of *The City Act*, *The Town Act* or *The Rural Municipality Act* in respect of a recount or the quashing

of a bylaw shall apply respectively to any proceedings taken under the provisions of this section in any city, town or rural municipality; and in the case of local improvement districts such provisions of *The Rural Municipality Act* shall *mutatis mutandis* apply to the extent to which the same may be applicable to proceedings taken under the provisions of this section."

16. Section 137 of the said Act is repealed and the following substituted therefor:

S. 137,
repealed;
new s. 137

"**137.** Any such local option bylaw or repealing bylaw which is carried by the majority aforesaid shall be read the third time and passed by the council of the city, town, rural municipality or local improvement district in which the same was submitted before the first day of January next following the day of the voting thereon and a special meeting of the council shall if necessary be called for that purpose.

Passing of
bylaw

"(2) Such local option bylaw or repealing bylaw so read the third time and passed shall become and be in force on the first day of July next ensuing."

Coming
into force
of bylaw

17. Section 138 of the said Act is repealed and the following substituted therefor:

S. 138,
repealed;
new s. 138

"**138.** In case a local option bylaw or repealing bylaw voted on as aforesaid fails to receive the assent of the majority aforesaid the council shall not pass the same nor shall any similar bylaw be submitted to the voters until the second annual elections held after the day of the said voting or any annual elections subsequent to such second annual election."

Where
bylaw
does not
receive
assent no
similar
bylaw
to be
submitted
within a
certain
time

18. Sections 139 and 140 of the said Act are repealed.

Ss. 139
and 140
repealed

19. Section 141 of the said Act is repealed and the following substituted therefor:

S. 141,
repealed;
new s. 141

"**141.** In case any territory forming part of a rural municipality or local improvement district wherein a local option bylaw or a repealing bylaw is in force is detached and added to any other municipality or local improvement district wherein no such local option bylaw or repealing bylaw is in force all the provisions of the said local option bylaw or repealing bylaw shall cease to affect or have any force in the said detached territory and in case any territory is detached from a rural municipality or local improvement district wherein no local option bylaw or repealing bylaw is in force and is added to another municipality or local improvement district or other municipalities or local improvement districts wherein a local option bylaw or repealing bylaw is in force the said territory so detached and added as aforesaid shall be subject to all the provisions of the said local option bylaw or repealing bylaw in force in the municipality or local improvement district thereby

Change of
boundaries

increased to all intents and purposes as if the said territory formed part of the increased municipality or local improvement district at the time of the passing of the said local option bylaw or repealing bylaw; or in case any territory forming part of a rural municipality or local improvement district wherein a local option bylaw or repealing bylaw is in force becomes a city or town or such local option bylaw or repealing bylaw shall continue in full force and effect in such city or town until the same is repealed by a repealing bylaw or local option bylaw, as the case may be; and in case any territory is detached from a rural municipality or local improvement district wherein no local option bylaw or repealing bylaw is in force and is added to another municipality or other municipalities or to another local improvement district or other local improvement districts wherein a local option bylaw or repealing bylaw is in force the said territory so detached and added as aforesaid shall be subject to the said local option bylaw or repealing bylaw in force in the municipality or local improvement district thereby increased to all intents and purposes as if the said territory formed part of the increased municipality or local improvement district at the time of the passing of such local option bylaw or repealing bylaw."

Ss. 141a,
141b, 141c
and 141d,
added
Form of
ballot
paper

20. The said Act is amended by adding thereto the following as sections 141a, 141b, 141c and 141d:

"**141a.** The form of the ballot paper to be used for voting on a local option bylaw or a repealing bylaw shall be as follows:

BALLOT PAPER.

Voting on bylaw respecting the sale of intoxicating liquor
in the of and respecting the issue
of licenses therefor submitted to the persons entitled to vote
thereon in the said of this
day of 19 .

Against the sale of liquor:

.....

For the sale of liquor:

.....

Penalties

"**141b.** Every licensee who within any territory in which a local option bylaw is in force by himself or his servant or agent canvasses for or receives or solicits orders for liquor or supplies liquor to any person not entitled in such territory to make sale thereof shall be liable on summary conviction thereof to the penalties provided by this Act for the sale of liquor without a license.

Bylaw
not to be
invalid
in certain
cases

"**141c.** No local option bylaw or repealing bylaw shall be declared invalid by reason of noncompliance with the provi-

sions of this Act or of the particular Act governing the case as to the taking of the poll or the counting of the votes or by reason of any mistake in the use of the forms contained in such Act or by reason of any irregularity if it appears to the tribunal having cognisance of the question that the voting was conducted substantially in accordance with the requirements of this Act and such particular Act and that such noncompliance, mistake or irregularity did not affect the result of the voting.

"141d. Any duty imposed upon the council of any city, town, rural municipality or local improvement district under the provisions of sections 129 to 141c of this Act may be enforced by *mandamus* or injunction at the instance of any person entitled under the provisions of this Act to vote on a local option bylaw or repealing bylaw." Enforcement of duty of councils by mandamus, etc.

21. The said Act is amended by adding thereto the following Section 144 added
in as section 144:

BARTENDERS' LICENSES.

"144. The expression 'bartender' as used in this section shall mean and include any person who sells or supplies liquor in the bar room or other place from which liquor is dispensed to any person whomsoever in or upon any premises in respect of which a hotel license has been issued under this Act. "Bartender," meaning of

"(2) On, from and after the first day of March, 1910, no licensee of a licensed hotel shall employ any bartender or permit any person to act as such in or upon his licensed premises who is not during the whole time he is employed or permitted so to act the holder of a bartender's license as provided by this section. Employment of unlicensed bartenders prohibited

"(3) Any licensee who violates the preceding subsection shall for every day or portion of a day during which such violation continues be liable on summary conviction thereof to a penalty of not less than \$2 and not more than \$10 and in default of payment forthwith after conviction to imprisonment for a period not exceeding one month. Penalty

"(4) Any person who acts as a bartender without first having obtained a license as in this section provided shall be liable to the same penalties as those prescribed in the case of a licensee in the next preceding subsection mentioned and in any prosecution brought under this subsection the onus of proving that he holds a bartender's license shall rest upon the defendant. Acting as bartender without a license

"(5) Any person having obtained a bartender's license who shall sell or deliver or cause to be sold or delivered any liquor in contravention of any of the provisions of this Act to any person whomsoever shall be liable on summary conviction Penalty for violation of law by licensed bartenders

thereof to a penalty not exceeding \$50 and in default of payment forthwith after conviction to imprisonment for one month.

Cancellation of licenses for offences

“(6) In addition to any other penalty which may be imposed upon a bartender for any offence under this Act the attorney general may forthwith cancel the license of such bartender who shall not thereafter be eligible to receive another bartender's license nor a license to sell liquor during the current license year and upon conviction for a second offence of any nature within two years the license of such bartender shall *ipso facto* become void and he shall not thereafter be eligible to hold a bartender's license or license to sell liquor for two years.

Licenses not to be issued to minors not of good character
Nor to a female
Form of license

“(7) No bartender's license shall be issued to any person who is not of the full age of twenty-one years and of good character.

“(8) No bartender's license shall be issued to any female.

“(9) Such bartender's license may be in the form W in the schedule to this Act and may subject to the conditions in this section mentioned be obtained at any time on application to the attorney general on payment thereof of the sum of \$5 and the production of a recommendation signed by at least two reputable residents of the province:

Fee therefor

“Provided however that the attorney general may from any cause which he may consider sufficient refuse to issue such license.

Term of license

“(a) Such license shall be valid only during the currency of the license year in which it is issued and shall expire on the last day of the month of June then next ensuing.

Endorsement of license by inspector of another district

“(b) No bartender's license shall be valid in any license district other than that for which the same was issued unless and until it has been indorsed by the inspector of some other license district and such indorsement (for which no charge shall be made) shall give validity to such license in the district in which the inspector who has indorsed the same has jurisdiction provided such license has not been cancelled prior to the indorsement but such inspector may for any cause which he may consider sufficient withhold such indorsement subject to the approval of the attorney general.

Record of licenses issued

“(c) Every inspector who indorses a bartender's license shall forthwith notify the attorney general of such indorsement who shall cause a memorandum of the same to be entered in a book to be provided for the purpose.

“(d) Every licensed bartender shall produce his license ^{Production of license upon request of inspector} forthwith on request to any inspector or other official appointed by the attorney general or to any constable or police officer and should such bartender refuse or neglect to make such production when required he shall be liable on summary conviction thereof to a penalty not exceeding \$10 and in default of payment forthwith after conviction to imprisonment for any period not exceeding ten days.

“(10) Nothing in this section contained shall apply to or ^{Persons not required to have license} affect the sale or delivery of any liquor by the keeper of a licensed hotel or by any male member of his family of the full age of twenty-one years other than a domestic servant or other person in the employment of the licensee nor shall anything in this section contained apply to or affect the delivery of liquor by any person in any place in a licensed hotel other than the bar room or place from which liquor is dispensed.

“(11) Notwithstanding anything in this section contained a licensee may in the case of a temporary emergency employ ^{Temporary employment of unlicensed persons} as bartender any male person of the full age of twenty-one years provided that such employment shall not be upon more than two days, not necessarily consecutive, in any one calendar month.”

SCHEDULE.

FORM U.

(Section 130.)

To the Council of the (city of, or town of, or rural municipality of, or local improvement district No., as the case may be) (*here insert name of city, etc.*):

The petition of the undersigned to your honourable body respectfully sheweth that:

1. The undersigned severally declare each for himself that he is of the male sex and of the full age of twenty-one years, and that he is a British subject and is not an Indian or a person of the Chinese race, that he has resided in the Province of Saskatchewan for at least twelve months and in the (city of, or town of, or rural municipality of, or local improvement district No.) (*here insert name of city, etc.*) for at least three months immediately preceding the date upon which he signed this petition;

2. The undersigned respectfully ask your honourable body to introduce and submit to the votes of the voters of the said

(city, etc.) (a local option bylaw or a repealing bylaw, as the case may be) under the provisions of *The Liquor License Act*.

And your petitioners as in duty bound will ever pray.

Signature of petitioners	Address	Date of signing	Witness
JOHN BROWN	12 Albert St., (or name of village or description of land, as the case may be)	Aug. 2, 1910	WM. JONES

FORM V.

(Section 134.)

Canada,
Province of Saskatchewan.
To wit:

I, (*name in full*) of _____ in the Province
of Saskatchewan (*occupation*) make oath and say:

1. That I am of the male sex and of the full age of twenty-one years, that I am a British subject and that I am not an Indian or a person of the Chinese race and that I have resided in Saskatchewan for at least twelve months, and in (the town of, or rural municipality of, or local improvement district No.) (*here insert name, of city, etc.*) for at least three months immediately preceding the date of swearing this affidavit;

2. That I reside (*state street and number if possible or section, quarter section, township, range and meridian*) in the said (town, or as the case may be);

3. That I am entitled to vote at this polling place;

4. That I have not voted before on this bylaw either at this or any other polling place;

5. That I have not received anything nor has anything been promised me directly or indirectly to induce me to vote on this bylaw.

Sworn before me at _____
in the said province this _____
day of _____ 19 _____ }
Signature.

.....
Returning Officer or Deputy Returning Officer.

FORM W.

(Section 144.)

Canada,
Province of Saskatchewan.

To wit:

This is to certify that
of _____ is hereby authorised under the
provisions of *The Liquor License Act* to act as a bartender
within license district No. _____ for the year ending
June 30, 19____, subject to the provisions of the law in that
behalf.

Dated at Regina this _____ day of _____ 19____.

.....

ACTS OF A LOCAL OR PRIVATE NATURE

1909

CHAPTER 39

An Act to incorporate The Regina Southern Railway Company.

[Assented to December 18, 1909.]

WHEREAS a petition has been presented for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. George R. Whitmore, general agent; John L. R. Parsons, civil engineer; John F. L. Embury, barrister; William G. V. Bishop, contractor; Ernest A. McCallum, general agent, and Alexander Ross, barrister, all of the city of Regina in the province of Saskatchewan together with such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Regina Southern Railway Company" herein called "the company."

2. The head office of the company shall be at the city of Regina in the province of Saskatchewan.

3. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the said company.

4. The capital stock of the company shall be one million dollars and may be called up by the directors from time to time as they deem necessary but no call shall exceed ten per cent. on the share subscribed.

5. The annual meeting of the shareholders shall be held on the first Tuesday in February in each year.

6. At such meeting the subscribers for the capital stock assembled who have paid all calls on their shares shall choose not less than five nor more than nine persons to be directors of the company, one or more of whom may be paid directors of the company.

Main
objects
of the
company

7. The company may:

1. Lay out, construct and operate in Saskatchewan a railway of the gauge of four feet eight and one-half inches:

- (a) From a point in the city of Regina, and thence in a south-westerly direction to or near the village of Rouleau, and thence in a south-westerly direction to a point in or near township number twelve in range number twenty-three west of the second meridian; and
- (b) From a point in or near township number twelve in range number twenty-three west of the second meridian, thence in a south-easterly direction to a point in the international boundary between the United States of America and the Dominion of Canada in or near townships number one in ranges number eleven and twelve west of the second meridian; and
- (c) From a point in or near township number twelve in range number twenty-three west of the second meridian, thence in a south-westerly direction to or near Willow Bunch, and thence in a southerly direction to a point in the international boundary in or near township number one in range number one west of the third meridian;

2. Establish townsites along the line of the company's railway or branches thereof and subdivide such townsites into lots, blocks, streets, lanes or otherwise as to the said company may seem meet and to sell, lease or otherwise dispose of the lots and blocks in such townsite;

3. Construct, operate and maintain and purchase, take on lease or otherwise acquire any grain elevator or elevators at points along the company's lines and receive for storage or shipment all kinds of grain and agricultural products and to receive and collect charges in respect thereof in addition to the charges payable to the company for the carriage of such grain or agricultural products;

4. Purchase, take on lease or otherwise acquire and construct telegraph lines upon and along any of the company's lines or branches thereof and operate and maintain any line or lines so acquired or constructed and establish offices for and undertake the transmission of messages for the public and collect tolls therefor and may enter into contracts and agreements with other persons and corporations having power to construct and operate telegraph lines for the exchange and transmission of messages;

5. Receive for carriage and transmission by express goods, wares, merchandise and articles of every description subject to

the bylaws of the company and collect tolls therefor and purchase equipment and establish offices necessary for carrying on business as an express company;

6. Purchase, take on lease or otherwise acquire and construct a warehouse or warehouses at such point or points as the company may so desire and receive goods, wares, merchandise and other articles for storage in such warehouses and charge on all property placed with it for custody such fair remuneration as may be fixed by the directors for storage, warehousing, cooperage or other cause or labour in and about such property over and above the regular freight and primage charges upon any such property carried or contracted or intended to be carried by it;

7. Purchase, take on lease or otherwise acquire a hotel or hotels, restaurant or restaurants and operate, equip and maintain any hotel or hotels, restaurant or restaurants so acquired, erected or constructed;

8. Acquire horses, carts, vans, motor and other vehicles for the transportation of goods, wares and merchandise and articles of every description and collect fees and tolls for such transportation and generally carry on the business of a transfer company and as common carriers;

9. Acquire horses, cabs, buses, motor cars and other vehicles and establish livery stables and garages and maintain and operate same as livery stable keepers, carriage, bus, cab and motor car proprietors for the transportation of passengers and baggage and collect fees and tolls in respect thereof;

10. Erect, construct, maintain and operate tramways for transportation of freight to and from the company's lines with power to acquire land therefor under the provisions of sections 83 to 120 both inclusive of *The Railway Act*;

11. Enter into any agreement with any person, firm or corporation to aid or assist in the erection, construction or maintenance of any bridge, road or other improvement adjacent to the company's lines which may be for the advantage of the company;

12. Lease, sell or otherwise dispose of the railway, equipment and rolling stock of the company and grant running rights over the company's lines to any other company or companies;

13. Purchase and acquire the stock in or bonds or debentures of any other company having any of the powers hereby applied for or guarantee the bonds or debentures of any such company;

14. Purchase such lands, buildings and equipment as may be necessary for the effectual carrying out of any of the powers heretofore set out and erect, construct any such buildings or

manufacture any such equipment and generally do all such things as are reasonably necessary for the proper carrying out of such powers.

Issue of
bonds and
restriction
of issue

8. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the lines described in subparagraphs (a) and (b) of paragraph 1 of section 7 hereof and \$25,000 per mile of the lines described in subparagraph (c) of the said clause 1 of section 7 and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Application
of Railway
Act

9. The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act and the same shall form a part and be construed with this Act as forming one Act and the same shall apply to the company and to the railway to be constructed by it excepting in so far as the said clauses are expressly varied by this Act or are inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act as aforesaid.

1909

CHAPTER 40

An Act to incorporate The Saskatchewan and Southern Railway Company.

[Assented to December 18, 1909.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Nathaniel Francis Hagel, one of his Majesty's counsel; ^{incorpora-}
Duncan Bingham McDonnell, lumberman; Edward Bredin, ^{tion}
gentleman; Alexander Melville Bannerman, gentleman; and
Herbert William Adcock, broker, all of the city of Winnipeg
in the province of Manitoba; and James Balfour, barrister at
law, and Thomas D. Brown, barrister at law, all of Regina
the province of Saskatchewan, together with such other
persons as become shareholders in the company are hereby
constituted a body corporate under the name of "The Saskat-
chewan and Southern Railway Company" herein called "the
company."

2. The head office of the company shall be at the city of ^{Head office}
Regina in the province of Saskatchewan.

3. The persons mentioned by name in the first section of this ^{Provisional}
Act are hereby constituted provisional directors of the said ^{directors}
company.

4. The capital stock of the company shall be one million ^{Capital}
dollars and may be called up by the directors from time to ^{stock}
time as they deem necessary but no calls shall exceed ten per
cent. of the share subscribed.

5. The annual meeting of the shareholders shall be held ^{Annual}
on the second Tuesday of February of each year. ^{meeting}

6. At such meeting the subscribers for the capital stock ^{Election of}
assembled who have paid all calls on their shares shall choose ^{directors}
not less than five nor more than nine persons to be directors
of the company, one or more of whom may be paid directors
of the company.

**Main
objects**

7. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches:

1. From a point at or near Estevan, thence westerly to a point at or near Romford in township 3 range 14 west of the second meridian, thence in a north-westerly direction to Moose Jaw in the said province of Saskatchewan;

2. From Moose Jaw in a north-westerly direction to a point in township 23 in range 5 west of the third meridian, thence to a point at or near the Elbow of the Saskatchewan river;

3. From a point at or near Estevan on the proposed line of the said railway in a northerly direction to the town of Stoughton on the Arcola branch of the Canadian Pacific Railway;

4. From a point between townships 2 and 4 in ranges 13 and 14, thence in a northerly direction to the town of Francis on the Arcola branch of the Canadian Pacific Railway Company.

**Issue of
bonds**

8. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the railway and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

**Application
of Railway
Act**

9. The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act and the same shall form a part of and be construed with this Act as forming one Act and the same shall apply to the company and to the railway to be constructed by it excepting in so far as the said clauses are expressly varied by this Act or are inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act as aforesaid.

10. The company may enter into contract with any other company authorised to contract with it for the selling, leasing or conveying to such company the railway and undertaking of the company in whole or in part or for purchasing or leasing from such company the railway and undertaking of such company in whole or in part for amalgamation.

1909

CHAPTER 41

An Act to incorporate The Saskatchewan Midland Railway Company.

[Assented to December 18, 1909.]

WHEREAS a petition has been presented praying for the ^{Preamble} incorporation of a company to construct and operate a railway hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. William M. Martin, Frederick B. Bagshaw, John D. ^{Incorpor-} Martin, Archibald L. McLean, Francis Smallwood and H. F. ^{ation} Thomson, all of the city of Regina in the province of Saskatchewan together with such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Saskatchewan Midland Railway Company" herein called "the company."

2. The head office of the company shall be at the city of ^{Head} Regina in the province of Saskatchewan or such other place in ^{office} Canada as the company may by bylaw prescribe.

3. The persons mentioned by name in the first section of ^{Provisional} this Act are hereby constituted provisional directors of the ^{directors} said company.

4. The capital stock of the company shall be two million ^{Capital} dollars and may be called up by the directors from time to ^{stock} time as they deem necessary, but no calls shall exceed ten per cent. of the share subscribed.

5. The annual meeting of the shareholders shall be held ^{Annual} on the first Monday in February of each year. ^{meeting}

6. At such meeting the subscribers for the capital stock ^{Election of} assembled who have paid all calls on their shares shall choose ^{directors} not less than five nor more than nine persons to be directors of the company, one or more of whom may be paid directors of the company.

7. The company may lay out, construct and operate the ^{Main} following lines of railway of the gauge of four feet, eight and ^{objects} one-half inches:

1. A line from a point on the Winnipeg-Edmonton branch of the Canadian Northern Railway within ranges 1 and 2 west of the third meridian running in a north-easterly direction to join with the projected extension of what is known as the Thunder Hill branch of the said railway;

2. A line from a point on the Brandon-Regina branch of the Canadian Northern Railway between Kaiser and Kendal running in a south-westerly, westerly and north-westerly direction to the town of Swift Current and with a branch from Swift Current to a point at or near Saskatchewan Landing thence northerly and easterly to a point on the constructed line of the Canadian Northern Railway in or near township 34 range 9 west of the third meridian;

3. A line from a point on the Brandon-Regina branch of the Canadian Northern Railway between Lovat and Kendal, thence in a generally south-westerly direction to the international boundary;

4. A line from a point on the constructed line of the Canadian Northern Railway or the Qu'Appelle, Long Lake and Saskatchewan Railway at or near Regina, thence in a generally southerly and easterly direction to a point at or near North Portal on the international boundary;

5. A line from a point at or near the town of Humboldt running in a north-easterly direction to a point at or near the town of Melfort;

6. A line from a point on what is known as the Goose Lake branch of the Canadian Northern Railway within ranges 8 or 9 west of the third meridian running in a generally southerly direction to join the line of railway described in paragraph 2 of the first part of the schedule to chapter 3 of the Statutes of 1908-9.

Issue of
bonds

8. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the railway and branches over prairie country and \$25,000 per mile of the railway north of the Saskatchewan river and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

Application
of Railway
Act

9. The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act and the same shall form a part of and be construed with this and as forming one Act and the same shall apply to the company and to the railway to be constructed by it excepting in so far as the said clauses are expressly varied by this Act or are inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of *The Railway Act* as aforesaid.

10. The company may enter into agreement with the Canadian Northern Railway Company or The Qu'Appelle Long Lake and Saskatchewan Railroad and Steamboat Company or any other company authorised to contract with it for the selling, leasing or conveying to such company the railway and undertaking of the company in whole or in part or for purchasing or leasing from such company the railway and undertaking of such company in whole or in part or for amalgamation.

1909

CHAPTER 42

An Act amending the Act to incorporate The
Saskatchewan Mortgage Corporation.

[Assented to December 18, 1909.]

WHEREAS The Saskatchewan Mortgage Corporation has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Subsection (1) of section 3 of *The Act to incorporate The Saskatchewan Mortgage Corporation* and being chapter 22 of the Statutes of the province of Saskatchewan passed in the session held in the eighth and ninth years of the reign of his Majesty King Edward the Seventh is hereby repealed and the following substituted in lieu thereof:

“(1) The capital stock of the company shall be two million dollars and shall be divided into forty thousand shares of fifty dollars each.”

1909

CHAPTER 43

An Act to incorporate The Gardner Boggs Investment and Trust Company.

[Assented to December 18, 1909.]

WHEREAS a petition has been presented for the incorporation of a company under the name of "The Gardner Boggs Investment and Trust Company" and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. N. Gardner Boggs, financial agent; William Harvey Clare, banker; Bunton P. Alley, banker, and Alfred E. Bence, advocate, all of the town of Lanigan in the province of Saskatchewan and all and every other person or persons who shall hereafter become stockholders in the said company shall be and they are hereby incorporated under the name of "The Gardner Boggs Investment and Trust Company" herein called "the company."

2. The objects of the company shall be and it is hereby authorised to take, receive and hold all estates and property (real and personal) which may be granted, committed, transformed, delivered or conveyed to it with its consent upon any trust or trusts whatsoever not contrary to law at any time or times by any person or persons, body or bodies corporate or by any court of the province and to administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed upon and they are also authorised to act generally as agents or attorneys for the transaction of business and the management and winding up of estates and to carry on a general brokerage and commission business and generally to carry on the business of a loan company.

3. The company is also authorised to act as a safe deposit company and to receive and store for safe keeping all kinds of securities and personal property and to rent spaces and compartments for the storage of securities and personal property and to enter into all legal contracts for regulating the terms and conditions upon which the said business is to be carried on; and for such purposes to acquire by purchase, lease or otherwise such real and personal property and estate as may be by the said company be considered necessary.

Company
may act as
executor,
etc.

4. The company is also authorised to accept and execute the offices of executor or administrator, *administrator de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, receiver or guardian or to perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of any court or judge; and in all cases when application shall be made to any court in Saskatchewan having jurisdiction for that purpose or for the appointment of any executor, trustee, receiver, guardian, administrator, *administrator de bonis non* it shall be lawful for any such court or judge to appoint the said company subject as hereinafter provided with its consent to hold such office or offices and the accounts of the company as such executor, administrator, *administrator de bonis non*, trustee, receiver or assignee shall be regularly settled and adjusted by the proper officers or tribunals and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the said company for the care and management of the estate committed to it.

Moneys to
be kept
separate

5. The moneys and securities of each trust shall always be kept distinct from those of the company and in separate accounts and so marked in the books of the company for each particular trust as always to be distinguished from any other in the register and any other books of the company to be kept by the company and so invested that at no time shall trust moneys form part of or be mixed with the general assets of the company; and the company shall in receipt of all trust moneys and securities and the overseeing and management of the same keep distinct records and accounts of all operations connected therewith:

Proviso

Provided always that in the management of money and property held by the company as trustees under the powers conferred by this Act the company may unless the authority creating such trust otherwise directs invest the same in a general trust fund of the company.

Liability
of the
company

6. The liability of the company to persons interested in any estate or property held by the company in any such office as aforesaid shall be the same as if the estate or property had been held by any private person in such capacity respectively and its power shall be the same.

Court may
direct how
money
is to be
invested

7. Any court of competent jurisdiction or any judge thereof may by order made with the consent of the company direct that any money held by such court or under its control be deposited with the said company upon such terms as to the payment of interest thereon and otherwise as may be provided in and by such order and in such event the company may invest the same in any of the securities mentioned in such order or as specified in section 12 of this Act and in no others.

8. The company shall be subject at all times to the further orders, judgments and decrees of any court of record or judge from which it shall have accepted any trusts, appointment or commission as to such trust; and shall render to such court or judge itemised and verified accounts, statements and reports as may be required by law or as such court or judge may order in relation to such particular trust. ^{To account to the court or judge}

9. The company in execution of any trust assumed under the powers contained in this Act shall have all the powers, rights and privileges conferred upon trustees, executors and administrators of estates under the provisions of any Act in force in Saskatchewan. ^{To have same power as executors, etc.}

10. The company may also guarantee the payment of principal or of the interest or both of any moneys held by the company for investment under any of the trusts authorised or agreed upon. ^{May guarantee payments}

11. The company may hold real property not exceeding \$100,000 in value for the purposes of its business and further subject to the laws of Saskatchewan any real property of whatever value which being mortgaged to it may be acquired by it for the protection of its investments; and may from time to time sell, mortgage, lease or otherwise dispose of the same. ^{May hold real property}

12. The company shall have power and is hereby authorised:

1. To invest any moneys forming part of its capital or reserve or accumulated profits in such securities (real or personal) as the directors may from time to time deem expedient: ^{Powers of investment}

Provided nothing in this Act shall authorise the company to engage in the business of banking or life insurance; ^{Provide}

2. The company shall not loan its funds, moneys, capital, trust funds or other moneys whatsoever to any director, officer, agent or employee of the company nor shall any director, officer, agent or employee of the company become in any manner indebted to the company except for any unpaid liability for shares subscribed: ^{Company Ordinance, sec. 5, amended}

Provided that the execution and delivery of any bond required from such officer, agent or employee shall not be considered as an indebtedness within the meaning of this section.

13. The capital stock of the company shall be \$100,000 divided into shares of \$100 each with the privilege of increasing the same by a vote of the shareholders to \$200,000; and should the capital stock at any time be increased the share-

holders at the time of such increase shall during such period as may be prescribed by the directors be entitled to a *pro rata* allotment of such increase.

(2) The directors may at any time after the whole of the capital stock of the company has been subscribed and fifty per cent. thereof paid up but not sooner from time to time by bylaw provide for the increase of the capital stock of the company to any amount which they consider requisite.

(3) No bylaw for increasing the capital stock of the company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for consideration of such bylaw:

Provided that such shareholders shall hold not less than one-half of the amount paid up upon the capital stock of the company represented at such meeting:

And provided that such bylaw has afterwards been confirmed by a certificate of the provincial treasurer.

Directors to
administer

14. The affairs of the company shall be administered by a board of not less than five directors each of whom shall be the holder of at least five shares of stock upon which all calls have been paid and shall have paid all liabilities incurred by him to the company; and the office of a director upon his ceasing to hold that number of shares or becoming insolvent by voluntary assignment or compulsory liquidation shall immediately and *ipso facto* cease and be vacated.

Time of
election
of directors

(2) Such directors shall be elected at the first general meeting and thereafter at each annual meeting of the company to hold office until their successors are elected and if otherwise qualified may always be reelected and the majority of the members of such board shall be a quorum thereof and in case of the death, resignation, removal or disqualification of any director such board if it sees fit may fill the vacancy until the next general meeting of the company by appointing any qualified shareholder thereto; but a failure to elect directors or any failure of directors shall not dissolve the corporation and an election may be held at any general meeting of the company called for the purpose.

(3) Every shareholder of the company who has paid all calls due on his shares shall be entitled to one vote for each share held by him.

15. The board of directors shall have power in all things to administer the affairs of the company and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all bylaws not contrary to law or to the votes of the shareholders regulating the

calling in of instalments of stock and payment thereof, the issue and registration of share certificates, the forfeiture of shares for nonpayment of calls or instalments, the disposal of forfeited stock and the proceeds thereof, the transfer of shares, the declaration and payment of dividends, the appointment, function, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration, the time and place for holding the annual and other meetings of the company within Saskatchewan, the calling of meetings of the company and the board of directors, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business and of any offices which they might require to have, the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the company; but every such bylaw and every repeal, amendment or reenactment thereof shall have force only until the next meeting of the company unless confirmed at a general meeting of the company or at an extraordinary meeting of the company called for that purpose and every copy of any bylaw under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such bylaw.

16. For the purpose of organising the company the ^{Provisional} persons named in section 1 of this Act shall be the provisional directors thereof and they or a majority of them may cause stock books to be opened upon which stock books shall be recorded the transactions of such persons or corporations as desire to become stockholders in the company and such books shall be opened at the town of Lanigan or elsewhere in Saskatchewan at the discretion of the provisional directors and shall remain open as long as they may deem necessary.

17. The company shall not be entitled to commence business until at least fifty per cent. of the authorised capital stock of the company has been subscribed and ten per cent. of the said authorised capital has been fully paid up. ^{When business may be commenced}

18. The company shall have power to amalgamate with or purchase the business of any other company authorised to transact the execution of trusts upon such terms and conditions as may be agreed upon and shall not impair the recourse and remedy of any creditor of either company; but before such amalgamation or purchase the consent of two-thirds of all the shareholders of The Gardner Boggs Investment and Trust Company shall be obtained at a general or special meeting of the shareholders called for that purpose.

19. The said board may appoint agencies or local boards of directors in any city or town in Great Britain or the Dominion of Canada, their mode of appointment and powers to be fixed by the bylaws of the company.

20. The company may subscribe for and accept transfers of and possess shares in the capital stock of any other company or corporation in payment or on account of any or all rights or other privileges purchased, leased or otherwise acquired from the company and in order to receive payment in whole or in part of any claim due to it by any company or corporation the company may with their consent continue the business carried on by any such company or corporation.

21. It shall be lawful for the company to acquire by purchase or otherwise mortgages upon real estate and debentures of municipal or other corporations issued under statutory authority and to resell the same at such time and in such manner as to it may seem expedient.

22. The directors may from time to time with the consent of the majority of the shareholders of the company present at any general meeting either in person or by proxy borrow money on behalf of the company at such rates of interest and upon such terms as they may from time to time think proper; and the directors may for that purpose make and execute any mortgages, bonds or other instruments under the common seal of the company for any sums not less than \$100 each or assign, transfer or deposit by way of equitable mortgage or otherwise any of the documents or the title deeds, muniments, securities or property of the company and either with or without powers of sale or other special provisions as the directors shall deem expedient.

23. The bonds to be issued under the authority of this Act shall be in such form as the directors shall determine.

24. It shall be lawful for the company in exercising the powers conferred by this Act as agent on behalf of others to lend money on any security real or personal or both; and to purchase mortgages, bonds and debentures of municipal or other corporations, the stock of incorporated banks and other securities or evidence of debt and the same to resell as it may seem advisable; and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect.

25. The company may by resolution authorise the issue of paid up shares in payment of any of its obligations provided that the amount of the paid up stock as issued shall not exceed the amount of its authorised capital.

26. The company may appoint or elect an advisory board in any of the provinces of Canada wherein the company is licensed to transact business whose duty shall be defined by the bylaws of the company; and the persons named in section 1 of this Act shall be directors of the company until replaced as aforesaid; and such directors may exercise all such powers, give all such consent, make all such arrangements and agreements and generally do all such acts and things as are or shall be by any bylaws of the company or articles of the company directed to be authorised, given or done by the company and are not thereby expressly directed to be exercised, given, made or done by the company in general meeting but subject nevertheless to the provisions of such acts, bylaws and articles and subject also to such regulations, if any, as may from time to time be prescribed by the company in general meeting; but no regulations made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulations had not been in force.

27. The act of the directors or of any committee thereof appointed by the directors shall notwithstanding that it may afterwards be discovered that there was some defect in the appointment of any such director or member of any such committee or that they or any of them were or was disqualified be as valid as if such person had been duly appointed and was qualified to be a director.

28. The directors shall have such powers, privileges and authorities as may be set forth and directed in and by bylaws of the company passed from time to time at any general meeting of the company.

29. The register of shareholders shall be *prima facie* evidence of any matter by this Act directed or authorised to be entered therein.

30. No shareholder of the company shall be liable for or charged with the payment of any debt or demand due by the company beyond the extent of the amount unpaid on his shares in the capital stock of the company.

31. The company shall at all times have an office in Lanigan and in such other parts of the province as the directors may determine.

32. A notice or other document served by registered post by the company shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of

post; and proof that such letter was properly addressed and put into the post office and time when it was put in and the time for its delivery in the ordinary course of post shall be sufficient proof of such service. .

33. Subject to the provisions of this Act the provisions of *The Companies Ordinance* shall in so far as the same may be applicable thereto apply to the company.

1909

CHAPTER 44

An Act to incorporate Saskatchewan Securities and Trusts Corporation.

[Assented to December 18, 1909.]

WHEREAS a petition has been presented praying for the ^{Preamble} incorporation of a company for the purposes and with the powers herein set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. William Thomas Mollard, inspector of public buildings; ^{Incorporation} William Henry Duncan, lumber merchant; David Low, physician; Francis Nicholson Darke, capitalist; George Herbert Barr, barrister; and Herbert Edmund Sampson, barrister, all of the city of Regina in the province of Saskatchewan together with all and every other person or persons who shall hereafter become shareholders in the said company shall be and they are hereby created a body corporate by and under the name of "Saskatchewan Securities and Trusts Corporation" and by that name shall have perpetual succession and may sue and be sued and have and use a common seal and be capable by law to make, deliver, accept and receive all deeds, conveyances, mortgages, transfers, assignments and contracts necessary to carry into effect the provisions of this Act and to promote the objects and designs of the said corporation.

2. The capital stock of the said corporation shall be two ^{Capital stock} hundred and fifty thousand dollars and shall be divided into two thousand five hundred shares of one hundred dollars each:

Provided however that the directors at any time after the whole of the capital stock of the corporation has been subscribed and fifty per cent. thereof paid up but not sooner may from time to time by bylaw provide for the increase of the capital stock of the corporation to any amount which they may consider requisite; and should the capital stock at any time be increased the shareholders at the time of such increase shall during such period as may be prescribed by the directors be entitled to a *pro rata* allotment of such increase.

3. The corporation shall not be entitled to commence ^{Commencing business} business until at least fifty per cent. of the authorised capital stock of the corporation has been subscribed and ten per cent. of the said subscribed capital has been fully paid up.

Head office

4. The head office of the corporation shall be at the city of Regina or at such other place in the province of Saskatchewan as the directors may by bylaw determine.

Powers of the corporation

5. The objects of the said corporation shall be and it is hereby authorised to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to it with its consent upon any trust or trusts whatsoever (not contrary to law) at any time or times by any person or persons, body or bodies corporate or by any court of the province of Saskatchewan and to administer, discharge and fulfil the duties of such trusts for such remuneration as may be agreed upon; and it is also authorised to act generally as agent or attorney for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgages, bonds, bills, notes and securities for money and also to act as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligations of any corporation, association or municipality and to receive and manage any sinking fund therefor on such terms as may be agreed upon.

Corporation may act as executor, trustee, etc.

6. The said corporation is also authorised to accept and execute the offices of executor and administrator, *administrator de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, guardian of any minor or committee of any lunatic and to perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of any court or judge; and in all cases when application shall be made to any court in the province having jurisdiction for that purpose for the appointment of any executor, trustee, receiver, curator, liquidator, guardian, committee, administrator or *administrator de bonis non* it shall be lawful for any court to appoint the said corporation subject as hereinafter provided with its consent to hold such office or offices and the accounts of the said corporation as such executor, administrator, *administrator de bonis non*, trustee, receiver, curator, liquidator, guardian, committee or assignee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the said corporation for the care and management of the estates committed to it.

Corporation may act as safe deposit

7. The corporation is also authorised to act as a safe deposit company and to receive and store for safe keeping all kinds of securities and personal property and to rent spaces and compartments for the storage of securities or personal property and to enter into all legal contracts for regulating the terms and conditions upon which the said business is to be carried

on; and for such purposes to acquire by purchase, lease or otherwise such real and personal estate and property as may by the said corporation be considered necessary.

8. The moneys and securities of each trust shall always be kept distinct from those of the corporation and in separate accounts and so marked in the books of the corporation for each particular trust as always to be distinguished from any other in the register and any other books of the corporation kept by the corporation and shall be so invested that at no time shall trust moneys form part of or be mixed with the general assets of the corporation; and the corporation shall in respect to all trust moneys and securities and the overseeing and management of the same keep distinct records and accounts of all operations connected therewith:

Trust
moneys to
be kept
separate

Provided always that in the management of money and property held by the corporation as trustees under the powers conferred by this Act the corporation may unless the authority creating such trust otherwise directs invest the same in a general trust fund of the corporation.

9. The corporation may carry on the business of lending money on the security of or purchasing or investing in mortgages on real estate, debentures, bonds, fully paid up stocks and other securities of any government or of any municipality, school corporation or of any chartered bank or incorporated company:

Power as
to loans

Provided that the loan upon the security of or the purchase or investment in the debentures, bonds, stocks or other securities of any company so incorporated shall not exceed one-fifth of the paid up capital of any such company nor one-fifth of the paid up capital stock of the corporation.

Proviso

(2) The corporation may take personal security as collateral for any advance made or to be made or contracted to be made by or for any debt due to the corporation.

10. The corporation may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose and may either in the name of the corporation or of such others lend and advance money to any person or municipal or other authority or any board or body of trustees or commissioners upon such securities as are mentioned in the next preceding section and may purchase and acquire any securities on which they are authorised to advance money and again resell same.

Corporation
may act as
agency
association

(2) The conditions and terms on such loans and advances and of such purchases and resales may be enforced by the corporation for its benefit and for the benefit of the person or corporation for whom such money has been lent and advanced

Enforce-
ment of
loans, etc.

or such purchase and resale made; and the corporation shall have the same power in respect of such loans, advances, purchases and sale as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

**Guarantee
of loans and
interest**

(3) The corporation may also guarantee the repayment of principal or the payment of the interest or both of any moneys entrusted to the corporation for investment.

**Employ-
ment of
capital**

(4) The corporation may for every or any of the foregoing purposes lay out and employ the capital and property for the time being of the corporation or any part of the moneys authorised to be raised by the corporation in addition to its capital for the time being or any moneys so entrusted to it as aforesaid; and may do, assent to and exercise all acts whatsoever which in the opinion of the directors of the corporation for the time being are requisite or expedient to be done in regard thereto.

**Money
guaranteed
to be
deemed
borrowed**

(5) All moneys of which the repayment of the principal or payment of the interest is guaranteed by the corporation shall for the purposes of this Act be deemed to be money borrowed by the corporation.

**May
borrow
money**

11. The corporation may borrow money and receive money on deposit upon such terms as to interest, security, time of payment or otherwise as may be agreed on and may issue its bonds, debentures and other securities for money borrowed.

**Loan
money for
others**

12. It shall be lawful for the corporation in exercising the powers conferred by this Act as agent on behalf of others to lend money on any security, real or personal or both; and to purchase mortgages, bonds and debentures of municipal or other corporations, the stock of incorporated banks and other securities or evidence of debt and the same to resell as it may seem advisable; and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect.

**Creation of
debenture
stock**

13. The directors of the corporation may with the consent of the shareholders at a special general meeting duly called for the purpose create and issue debenture stock in sterling or currency in such amounts and manner on such terms as to redemption or payment thereof charged upon all or any part of the property of the corporation and otherwise and bearing such rate of interest as the directors from time to time think proper.

**Entry in
register**

14. The debenture stock aforesaid shall be entered by the corporation in a register to be kept for that purpose in the head office of the corporation wherein shall be set forth the names and addresses of those from time to time entitled thereto with the respective amounts of the said stock to which they are

respectively entitled and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the corporation without the payment of any fee or charge; such stock shall be transferable in such amounts and in such manner as the directors may determine.

15. The holders of the ordinary debentures of the corporation may with the consent of the directors at any time exchange such debentures for debenture stock. Exchange of debenture stock

16. The directors having issued debenture stock may from time to time as they think fit and for the interest of the corporation buy up and cancel the debenture stock or any portion thereof; and the directors may at any time with the consent of those holding not less than one-half in value of the debenture stock of any company whose assets and business may at any time be acquired by the corporation cancel the debenture stock of such company and give in lieu thereof to the respective holders thereof debenture stock of the corporation. Cancellation of debenture stock

17. The directors of the corporation may make a bylaw for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise as may be declared by the bylaw over ordinary stock. Preference stock

(2) The bylaw may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors or may give the said holders such control over the affairs of the corporation as may be considered expedient. Holders may select directors

(3) No such bylaw shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the corporation duly called for considering it, such shareholders holding not less than one-half of the amount paid up upon the capital stock of the corporation. Bylaws to be sanctioned by corporation

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act: Holders of preference stock to be have rights of shareholders

Provided however that in respect of dividends and otherwise they shall as against the ordinary shareholders be entitled to the preferences and rights given by such bylaw.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the corporation.

18. The directors may set aside out of the profits of the corporation such sum as they think proper as a reserve fund to Reserve fund

meet contingencies or for equalising dividends or for repairing, improving and maintaining any part of the property of the corporation and for such other purposes as the directors shall in their discretion think conducive to the interests of the corporation and may invest the several sums so set aside upon such investments (other than shares of the corporation) as they may think fit and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the corporation and may divide the reserve fund into such special funds as they think fit with full power to employ the assets constituting the reserve fund in the business of the corporation and that without being bound to keep the same separate from the other assets:

Proviso Provided always that the investment of the reserve fund shall be subject to the limitations contained in section 9 of this Act.

Agencies 19. The said board may appoint agencies or local boards of directors in any city or town in Great Britain or the Dominion of Canada, their mode of appointment and powers to be fixed by the bylaws of the corporation.

May own stock in other companies 20. The corporation may subscribe for and accept transfers of and possess shares in the capital stock of any other company or corporation in payment or on account of any or all rights or other privileges purchased, leased or otherwise acquired from the corporation; and in order to receive payment in whole or in part of any claim due to it by any company or corporation the corporation may with their consent continue the business carried on by any such company or corporation.

Power to acquire other companies 21. The corporation may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good will of any other company or companies carrying on any business which the corporation is authorised to carry on or possessed of property suitable for the purposes of the corporation and pay therefor in cash or in stock either fully paid up or partly paid up or partly in cash and partly in stock either fully paid up or partly paid up or in any other manner; and any of the companies whose assets the corporation desires to purchase are hereby authorised to sell and transfer their respective assets, business, property, name and good will; and the corporation and any of such companies may enter into all agreements of purchase and sale and do all other acts necessary or convenient for the purpose of such purchase and sale:

Proviso Provided always that specified assets may be excepted from any such purchase or sale; the execution of any agreement made in pursuance of the powers hereby granted shall *ipso facto* vest in the corporation the interest and title in and to the property the subject matter of the agreement and all and singular the

business, property (real and personal) and all rights and incidents appurtenant thereto, also all stock, mortgages or other securities, subscriptions and other debts due on whatever account and all other things belonging to such other company as may be party to the agreement shall be taken and deemed to be transferred to and vested in the corporation without further act or deed.

22. The persons named in section 1 of this Act shall be ^{Provisional directors} provisional directors of the said corporation a majority of whom shall be a quorum for the transaction of business and they or a majority of them may cause stock books to be opened and procure subscriptions; and may do generally whatever is necessary for the purposes of the corporation until such time as the directors are elected as hereinafter provided when the powers and functions of the provisional directors shall cease and determine.

23. The corporation shall have power to investigate and ^{Power to warrant titles and bonds} report upon the title to any lands and tenements or chattels real and to guarantee or otherwise warrant the validity thereof and it shall also have power to investigate and report on and if necessary warrant the legality of the issue of the bonds or debentures of any corporation authorised by law to make issue of bonds or debentures.

24. The affairs of the corporation shall be administered by ^{Directors} a board of not less than five directors whose qualifications shall be fixed by bylaw of the corporation and the office of a director upon his ceasing to hold such qualification or becoming insolvent by voluntary assignment or compulsory liquidation shall immediately and *ipso facto* cease and be vacated.

(2) Such directors shall be elected at the first general ^{When elected} meeting and thereafter at each annual meeting of the corporation to hold office until their successors are elected and if otherwise qualified may always be reelected and the majority of the members of such board shall be a quorum thereof and in case of the death, resignation or removal or disqualification of any director such board if they see fit may fill the vacancy until the next annual meeting of the company by appointing a qualified shareholder thereto; but a failure to elect directors or any failure of directors shall not dissolve the corporation and an election may be held at any general meeting of the corporation called for the purpose:

Provided that no person shall be a director unless he holds in ^{Proviso} his own name and for his own use at least five shares of the capital stock of the corporation and has paid all calls due thereon and all liabilities incurred by him to the corporation.

25. The board of directors shall have power in all things to ^{Powers of directors} administer the affairs of the corporation and to make or cause

to be made any purchase and any description of contract which the corporation may by law make, to adopt a common seal, to make from time to time any and all bylaws not contrary to law or to the votes of the shareholders regulating the calling in of instalments of stock and payment thereof, the issue and registration of share certificates, the forfeiture of shares for non-payment of calls or instalments, the disposal of forfeited stock and the proceeds thereof, the transfer of shares, the declaration and payment of dividends, the appointment, function, duties and removal of all agents, officers and servants of the corporation, the security to be given by them to the corporation and their remuneration, the time and place for holding the annual and other meetings of the corporation within the province, the calling of meetings of the corporation and the board of directors, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business and of any offices which they might require to have, the qualification of directors, the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the corporation and all other powers and privileges conferred on them by the corporation by bylaw passed at any general meeting; but every such bylaw and every repeal, amendment and reenactment thereof shall have force only until the next meeting of the corporation unless confirmed at a general meeting of the corporation or at an extraordinary meeting of the corporation called for that purpose and every copy of any bylaw under the seal of the corporation and purporting to be signed by any officer of the corporation shall be received in all courts of law as *prima facie* evidence of such bylaw.

Issue of
paid up
shares

26. The corporation may by resolution authorise the issue of paid up shares in payment of any of its obligations provided that the amount of the paid up stock as issued shall not exceed the amount of its authorised capital.

Business
outside
Saskat-
chewan

27. The corporation may in general meeting of its shareholders duly called for the purpose pass a bylaw authorising its directors to extend the business of the corporation outside of Saskatchewan and the directors may give effect to such bylaw.

To hold
real estate

28. The corporation shall have the power to hold real estate not exceeding \$50,000 in value for the purposes of its business and further subject to the laws in force in the province any real estate of whatever value which being mortgaged to it may be acquired by it for the protection of its investments; and may from time to time sell, mortgage, lease or otherwise dispose of the same.

29. Any court of competent jurisdiction or any judge thereof may by order made with the consent of the corporation direct that any money held by such court or under its control be deposited with the said corporation upon such terms as to the payment of interest thereon and otherwise as may be provided in and by such order and in such event the corporation may invest the same in the manner authorised by this Act. Court may direct how money to be invested

30. The corporation shall be subject at all times to the further orders, judgments and decrees of any court of record or judge from which it shall have accepted any trusts, appointment or commission as to such trust; and shall render to such court itemised and verified accounts, statements and reports as may be required by law or as such court or judge shall order in relation to such particular trust. Render statements

31. The corporation shall not be bound to see to the execution of any trust whether express, implied or constructive to which any share or shares of its stock or debentures or debenture stock or any deposit or any moneys payable by or in the hands of the corporation may be subject and the receipt of the party or parties in whose name such share or shares, debentures, debenture stock, deposit or moneys stand in the books of the corporation shall from time to time be sufficient discharge to the corporation for any payment made in respect of such share or shares, debentures, debenture stock, deposit or moneys notwithstanding any trust to which the same may then be subject and whether or not the corporation has had notice of such trust and the corporation shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to the execution of trusts

32. The corporation shall have power and it is hereby authorised to invest any moneys forming part of its capital or reserve or accumulated profits in such securities (real or personal) as the directors may from time to time deem expedient. Investing capital and surplus funds

33. The corporation shall not loan its funds, moneys, capital, trust funds or other money whatsoever to any director, officer, agent or employee thereof nor shall any director, officer, agent or employee become in any manner indebted to the said corporation except for any unpaid liability for shares subscribed. No loan to be made to directors, etc.

34. No shareholder of the corporation shall be liable for or charged with the payment of any debt or demand due by the corporation beyond the extent of the amount unpaid on his shares in the capital stock of the corporation. Liability of shareholders

Votes of
share-
holders

35. Every shareholder shall be entitled to cast one vote for every share held by him on which all calls then due have been paid and such votes may be given by proxy but the holder of such proxy must be a shareholder.

Subject
to the law

36. The powers granted under this Act shall be subject to the provisions of any Act respecting Loan Companies which may at any time hereafter be in force in the province.

The
Companies
Ordinance
to apply

37. Subject to the provisions of this Act the provisions of *The Companies Ordinance* shall in so far as the same may be applicable thereto apply to the corporation.

Returns

38. The corporation shall furnish all such returns as may be required from time to time by the provincial secretary.

1909

CHAPTER 45

An Act to incorporate The Saskatchewan Loan Company.

[Assented to December 18, 1909.]

WHEREAS the persons hereinafter named have by their ^{Preamble} petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition :
Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. J. E. Bradshaw, M.P.P., James McKay, K.C., Hon. T. ^{Incorporation} H. McGuire, LL.D., I. Finn, agent, Joseph G. Wayne, accountant, all of the city of Prince Albert; and D. A. Finn, solicitor, of 11 King William street, London, E.C., England, together with such other persons as become shareholders in the company are hereby incorporated under the name of "The Saskatchewan Loan Company" herein called "the company."

2. The persons named in section 1 of this Act shall be the ^{Provisional directors} provisional directors of the company.

3. The capital stock of the company shall be five hundred ^{Capital stock} thousand dollars and shall be divided into ten thousand shares of fifty dollars each.

(2) Such capital stock may be issued either in sterling or ^{Currency of issue} currency or both as the directors determine and if any of such capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two-thirds cents per pound sterling.

4. The head office of the company shall be at the city of ^{Head office} Prince Albert or at such other place in Saskatchewan as the directors may from time to time determine by bylaw.

5. At each annual meeting the shareholders of the capital ^{Election of directors} stock present or represented by proxy who have paid all calls due on their shares shall choose not less than five nor more than ten persons to be directors of the company.

(2) The number of directors may within the limits afore- ^{Number may be changed} said be changed from time to time by vote of the shareholders at any general meeting of the company.

(3) Every shareholder of the company who has paid all calls ^{Votes} due on his shares shall be entitled to one vote for each share held by him.

**Qualifica-
tion of
directors**

(4) No person shall be a director unless he holds in his own name and for his own use at least five shares of the capital stock of the company and has paid all calls due thereon and all liabilities incurred by him to the company.

**Powers as
to loans,**

6. The company may carry on the business of lending money on the security of or purchasing or investing in:

Mortgages

(a) Mortgages or hypothecs upon freehold or leasehold real estate or other immovables; and

**Debentures,
bonds, etc.**

(b) The debentures, bonds, fully paid up stocks and other securities of any government or of any municipality, school corporation or of any chartered bank or incorporated company if incorporated by Canada or any province of Canada or any former province now forming part of Canada but not including bills of exchange or promissory notes:

Provided that the loan upon the security of or the purchase or the investment in the debentures, bonds, stocks or other securities of any company so incorporated shall not exceed one-fifth of the paid up capital of any such company nor one-fifth of the paid up capital stock of the company.

**Personal
security**

(2) The company may take personal security as collateral for an advance made or to be made or contracted to be made by or for any debt due to the company.

**Agency
association**

7. The company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose and may either in the name of the company or of such others lend and advance money to any person or municipal or other authority or any board or body of trustees or commissioners upon such securities as are mentioned in the next preceding section and may purchase and acquire any securities on which they are authorised to advance money and again resell the same.

**Enforce-
ment of
agreements**

(2) The conditions and terms of such loans and advances and of such purchases and resales may be enforced by the company for its benefit and for the benefit of the person or corporation for whom such money has been lent and advanced or such purchase and resale made and the company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

**Guarantee
of moneys**

(3) The company may also guarantee the repayment of the principal or the payment of the interest or both of any moneys entrusted to the company for investment.

**Employ-
ment of
capital**

(4) The company may for every or any of the foregoing purposes lay out and employ the capital and property for the

time being of the company or any part of the moneys authorised to be raised by the company in addition to its capital for the time being or any moneys so entrusted to it as aforesaid; and may do, assent to and exercise all acts whatsoever which in the opinion of the directors of the company for the time being are requisite or expedient to be done in regard thereto.

(5) All moneys of which the repayment of the principal or payment of the interest is guaranteed by the company shall for the purposes of this Act be deemed to be money borrowed by the company. Money guaranteed to be deemed borrowed

8. The company may liquidate and carry on for the purposes of such liquidation the business of any other company or companies carrying on any business which the company is authorised to carry on upon such terms as may be agreed upon. Liquidation of other companies

9. The company may subject to any limitation or prohibition imposed by its bylaws lend upon its own paid up stock to an amount not exceeding in the aggregate of all such loans ten per cent. of the company's paid up stock but no such loan shall exceed eighty per cent. of the current market value of such stock. Loans upon company's stock

10. The company may also take, receive and hold all estates and property (real and personal) which may be granted, committed, transferred, delivered or conveyed to it with its consent upon any trust or trusts whatsoever not contrary to law at any time or times by any person or persons, body or bodies corporate or by any court of the province, and may administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed or as may be directed by the court and may also accept and execute the offices of executor and administrator, *administrator de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, receiver or guardian or may perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of any court or judge; and in all cases where applications shall be made to any court in the province having jurisdiction for that purpose or for the appointment of any executor, trustee, receiver, guardian, administrator or *administrator de bonis non* it shall be lawful for any such court to appoint the company subject as hereinafter provided with its consent to hold such office or offices and the accounts of the said company as such executor, administrator, *administrator de bonis non*, trustee, receiver or assignee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the company for the care and management of the estate committed to it. Company may act as trustee, executor, etc.

(2) The company shall have power to invest all moneys which it may receive or have for investment as executor, administrator or trustee upon such securities and in the manner provided by *The Trustee Ordinance*.

Moneys
on deposit

11. The company may borrow money and receive money on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on and may issue its bonds, debentures and other securities for moneys borrowed.

Increase of
capital

12. The directors at any time after the whole of the capital stock of the company has been subscribed and fifty per cent. thereof paid up but not sooner may from time to time by bylaw provide for the increase of the capital stock of the company to any amount which they consider requisite.

Bylaws
affecting
capital
to be
sanctioned

13. No bylaw for increasing the capital stock of the company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for considering such bylaw:

Provided that such shareholders shall hold not less than one-half of the amount paid up upon the capital stock of the company represented at such meeting:

And provided that such bylaw has afterwards been confirmed by a certificate of the provincial treasurer.

Certificate
of
provincial
treasurer

14. Upon an application to the provincial treasurer for a certificate confirming such bylaw the company shall satisfy him to the *bona fide* character of the increase of capital thereby provided for; and unless it appears that the granting of such certificate would not be in the public interest the provincial treasurer may grant the same:

Provided that with the consent of the directors the amount of such increase of capital may by the said certificate be changed and the increase made subject to such conditions as the provincial treasurer may think proper.

Creation of
debenture
stock

15. The directors of the company may with the consent of the shareholders at a special general meeting duly called for the purpose create and issue debenture stock in sterling or currency in such amounts and manner on such terms as to redemption or payment thereof and otherwise and bearing such rate of interest as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company and such debenture stock shall rank equally with the ordinary debenture and deposit debt of the company and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the company.

16. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company wherein shall be set forth the names and addresses of those from time to time entitled thereto with the respective amounts of the said stock to which they are respectively entitled and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company without the payment of any fee or charge; such stock shall be transferable in such amounts and in such manner as the directors may determine.

Entry in
register

17. The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of
debenture
stock

18. The directors having issued debenture stock may from time to time as they think fit and for the interest of the company buy up and cancel the debenture stock or any portion thereof; and the directors may at any time with the consent of those holding not less than one-half in value of the debenture stock of any company whose assets and business may at any time be acquired by the company, cancel the debenture stock of such company and give in lieu thereof to the respective holders thereof debenture stock of the company.

Cancellation
of stock
Debenture
stock of
other
companies

19. The directors of the company may make a bylaw for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the bylaws.

Preference
stock

(2) The bylaws may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors or may give the said holders such control over the affairs of the company as may be considered expedient.

Holders
may select
directors

(3) No such bylaw shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for considering it, such shareholders holding not less than one-half of the amount paid up upon the capital stock of the company.

Bylaws
to be
sanctioned

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act:

Preference
stock-
holders
to have
rights of
share-
holders

Provided however that in respect of dividends and otherwise they shall as against the ordinary shareholders be entitled to the preferences and rights given by such bylaws.

**Rights of
creditors**

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

**Reserve
fund**

20. The directors may set aside out of the profits of the company such sum as they think proper as a reserve fund to meet contingencies or for equalising dividends or for repairing, improving and maintaining any part of the property of the company and for such other purposes as the directors shall in their discretion think conducive to the interests of the company and may invest the several sums so set aside upon such investments (other than shares of the company) as they may think fit and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the company and may divide the reserve fund into such special funds as they think fit with full power to employ the assets constituting the reserve fund in the business of the company and that without being bound to keep the same separate from the other assets:

Proviso

Provided always that the investment of the reserve fund shall be subject to the limitations contained in section 6 of this Act.

**Business
outside
Saskat-
chewan**

21. The company may in general meeting of its shareholders duly called for the purpose pass a bylaw authorising its directors to extend the business of the company outside of Saskatchewan and the directors may give effect to such bylaw without being liable or responsible as for any breach of trust in so doing.

**Buildings
for extra
provincial
agencies**

(2) If as provided in the next preceding subsection the company carries on business outside of Saskatchewan the company may in general meeting of the shareholders duly called for the purpose pass a bylaw authorising the directors to invest the money of the company in the erection or purchase of buildings required for the occupation of the company in any place where the company is so carrying on business.

**Power to
acquire
other
companies**

22. The company may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good will of any other company or companies carrying on any business which the company is authorised to carry on or possessed of property suitable for the purposes of the company and pay therefor in cash or in stock either fully paid up or partly paid up or partly in cash and partly in stock either fully paid up or partly paid up or in any other manner; and any of the companies whose assets the company desires to purchase are hereby authorised to sell and transfer their respective assets, business, property, name and good will; and the company and any of such companies may enter

into all agreements of purchase and sale and do all other acts necessary or convenient for the purpose of such purchase and sale:

Provided always that specified assets may be excepted from ^{Proviso} any such purchase and sale; the execution of any agreement made in pursuance of the powers hereby granted shall *ipso facto* vest in the company the interest and title in and to the property the subject-manner of the agreement and all and singular the business, property (real and personal) and all rights and incidents appurtenant thereto also all stock, mortgages or other securities, subscriptions and other debts due on whatever account and all other things belonging to such other company as may be party to the agreement shall be taken and deemed to be transferred to and vested in the company without further act or deed.

23. In case any company whose assets are acquired by the company has issued debenture stock and such debenture stock is outstanding at the date of the acquisition aforesaid the directors of the company may if and when they think fit and either with or without the sanction of the shareholders issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid and may with the consent of any holder of debenture stock in such other company give to him in lieu of the debenture stock held by him debenture stock of the company on such terms as may be agreed upon.

^{Debenture stock may be issued in lieu of existing debenture stock}

24. The business of the company shall be managed by the directors who may pay all expenses incurred in promoting and incorporating the company and selling the stock thereof and may affix the seal of the company and may make or cause to be made for the company any description of contract which the company may by bylaw enter into and may exercise all such powers of the company as are not by this Act required to be exercised by the company in general meeting and amongst other things may from time to time exercise the following powers the same being specifically referred to for greater certainty but not so as to restrict the generality of the foregoing terms of this section:

^{Powers of directors}

- (a) Issue debentures, bonds, deposit receipts and stocks and regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for nonpayment, the disposal of forfeited stock and of the proceeds thereof and the transfer of stock;
- ^{Issue debentures, receipts, calls, etc.}

- (b) Declare and pay dividends;

Dividends

Fix
number,
etc., of
directors

- (c) Determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any;

Delegate
powers

- (d) Delegate any of their powers to committees consisting of such member or members of their body as they think fit and any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors;

Appoint
officers

- (e) Appoint and remove all agents, officers and servants of the company and provide for and determine their functions and duties, the security to be given by them to the company and their remuneration;

Arrange
meetings

- (f) Determine the time and place for the holding of the annual or any other meeting of the company, the calling of meetings (regular and special) of the board of directors and of the company, the quorum at meetings of the directors and of the company, the requirements as to votes and proxies and the procedure in all things at such meetings;

Fix
penalties

- (g) Provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw;

Conduct of
company's
affairs

- (h) Conduct in all other particulars the affairs of the company;

Make
bylaws

- (i) Make bylaws for the regulation of the business of the company, its officers and servants or the members of the company.

Company
not bound
to see to
the
execution
of trusts

25. The company shall not be bound to see to the execution of any trust whether express, implied or constructive to which any share or shares of its stock or debentures or debenture stock or any deposit or any moneys payable by or in the hands of the company may be subject and the receipt of the person or persons in whose name such share or shares, debentures, debenture stock, deposit or moneys stand in the books of the company shall from time to time be sufficient discharge to the company for any payment made in respect of such share or shares, debentures, debenture stock, deposit or moneys notwithstanding any trust to which the same may then be subject and whether or not the company has had notice of such trust and the company shall not be bound to see to the application of the money paid upon such receipt.

Transmis-
sion of
interest in
shares
otherwise
than by
transfer

26. If the interest of any person in any share in the capital stock or debenture stock or in any bond debenture or obligation of the company (such bond, debenture or obligation not being payable to bearer) is transmitted in consequence of

the death or bankruptcy or insolvency of such holder or by any other lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company or to recognise such transmission in any manner until a declaration in writing showing the nature of such transmission and signed and executed by the person claiming by virtue of such transmission and also executed by the former shareholder, if living, and having power to execute the same shall have been filed with the manager or secretary of the company and approved by the directors and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public or of a judge of a court of record or of a mayor of any city, town or borough or other place or a British consul or vice consul or other accredited representative of the British Government in any foreign country the directors may in the absence of direct actual notice of a contrary claim give full credit to the declaration; and unless the directors are not satisfied with the responsibility of the transferee shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the company.

27. If the transmission takes place by virtue of any testamentary act or instrument or in consequence of an intestacy the probate of the will or letters of administration or document testamentary or other judicial or official instrument under the which the title whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada or in Great Britain or Ireland or any other of his Majesty's dominions or in any foreign country or an authenticated copy thereof or official extract therefrom shall together with the declaration mentioned in section 26 of this Act be produced and deposited with the manager, secretary, treasurer, or other officer named by the directors for the purpose of receiving the same and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conforming to such probate, letters of administration or other document as aforesaid.

Requirements in case of transmission by will or intestacy.

28. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such shares, bonds, debentures, obligations, dividends or coupons or the proceeds thereof then and in such case it shall be lawful for the directors to file in the supreme court of Saskatchewan a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds,

Directors may apply to court in cases of doubt.

debentures, obligations, dividends, coupons or proceeds to the persons legally entitled thereto; and such court shall have authority to restrain any action, suit or proceedings against the company, the directors and officers thereof for the same subject matter pending the determination of the petition; and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon:

Proviso

Provided always that if the court adjudges that such doubts were reasonable the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds and shall be paid to the company before the directors shall be obliged to transfer or assent to the transfer of or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

Company
subject to
further law
respecting
loan
companies

29. The powers granted under this Act shall be subject to the provisions of any Act respecting loan companies which may at any time hereafter be in force in the province.

1909

CHAPTER 46

An Act respecting The Great West Permanent Loan Company.

[Assented to December 18, 1909.]

WHEREAS The Great West Permanent Loan Company Preamble
was incorporated by an Act of the Parliament of Canada, being chapter 89 of the Statutes of 1909, intituled "*An Act to incorporate The Great West Permanent Loan Company*" whereby it was provided that The Great West Permanent Loan Company might acquire all the assets, rights, credits, effects and property (real, personal and mixed) of whatsoever kind and wheresoever situate belonging to The Great West Permanent Loan and Savings Company or to which that company was or might be or become entitled and that a conveyance or assignment thereof in the form of the schedule to the said Act or to the like effect should be sufficient;

And whereas by section 41 of the said chapter 89 of the Statutes of the Parliament of Canada, passed in the year 1909, it is enacted *inter alia* that "this Act shall not take effect unless and until at an annual or a special general meeting of the shareholders of the old company duly called for the purpose of considering the same or any adjournment of such meeting, a resolution accepting and approving thereof and fixing the date or event upon which this Act is to take effect has been passed by the shareholders present or represented by proxy at such meeting and holding not less than seventy-five per cent. of the subscribed capital stock of the company represented at such meeting; and due notice of such annual or special general meeting although given prior to the passing of this Act shall be sufficient; and a certified copy of such resolution shall within fifteen days from the passing thereof be transmitted to the secretary of state and shall be by him published in *The Canada Gazette*; and upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution;"

And whereas the terms of the said section have been complied with;

And whereas the said The Great West Permanent Loan Company is desirous in respect of the province of Saskatchewan that the business, property, franchises and good will of the said The Great West Permanent Loan and Savings Com-

pany should be transferred and vested in the said The Great West Permanent Loan Company to its own use and benefit absolutely:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Ratification
of certain
convey-
ances,
acts, etc.,
and effect
thereof

1. The said conveyance and assignment and all acts done pursuant to said section 41 are hereby ratified, confirmed and validated and shall as from the date of the coming into force of the said Act, namely the fifth day of June, A.D. 1909, have the effect of granting, assigning, transferring and setting over unto the said The Great West Permanent Loan Company, its successors and assigns to its and their own use absolutely all the assets, rights, credits, effects and property (real, personal and mixed) of whatsoever kind and wheresoever situate, of or belonging to The Great West Permanent Loan and Savings Company or to which the said company was on the date of the passing of the said Act or would thereafter have been or have become entitled and shall also have the effect of transferring to and imposing upon the said The Great West Permanent Loan Company the liabilities, debts and duties of the said The Great West Permanent Loan and Savings Company.

Transfer
of
liabilities

Transfer of
assets, etc.

2. All the assets, interests, rights, credits, effects, franchises and property (real, personal and mixed) of whatsoever kind and wheresoever situate belonging to the said The Great West Permanent Loan and Savings Company or to which it was or may be or become entitled shall be and the same are hereby declared to have been as from the date of the coming into force of the said Act transferred to and vested in The Great West Permanent Loan Company, its successors and assigns to its and their own use and benefit absolutely for all the estate, right, title, interest, claims, properties and demands which the said The Great West Permanent Loan and Savings Company had or was entitled to have had at the said date or to which the last mentioned company would thereafter have been or become entitled; and the said The Great West Permanent Loan Company shall be and is hereby empowered and declared to have been empowered at and from the date of its incorporation to exercise in the province of Saskatchewan all the powers, rights and privileges provided for in its Act of incorporation without further or other license or authority and to exercise all such powers, rights and privileges in relation to the said assets, interests, rights, credits, effects, franchises and property (real, personal and mixed) of whatsoever kind and wheresoever situate as the said The Great West Permanent Loan and Savings Company had or might have had and no suit, action or proceeding being carried on or power or remedy being exercised shall be discontinued or abated by or on account of this Act but the same may continue in the name of the original party to the pro-

Company
authorised
to exercise
in Saskat-
chewan all
powers
contained
in Act of
incorpora-
tion
without
further
license

Suits and
proceedings
not to
abate

ceeding, suit or action or exercising such power or remedy and the said The Great West Permanent Loan Company shall have the same rights and remedies and be subject to the same liabilities, debts and duties and shall pay and receive the like costs as if the suits, actions or proceedings had been commenced or defended or exercised in the name of the said The Great West Permanent Loan Company.

3. This Act shall be and in all respects be treated for the purpose of each land titles and registry office or other public offices in Saskatchewan and all transactions therein and of the officers administering the same as a legal and valid grant, conveyance, transfer and assignment of any lands or interest in lands and of any mortgages, incumbrances or charges and of any other property of any description as at the date of the coming into force of the said Act or thereafter standing in the name or vested in the said The Great West Permanent Loan and Savings Company and it shall not be necessary to register or file or issue any further or other instrument, document or certificate showing the transmission or assignment of title from The Great West Permanent Loan and Savings Company to The Great West Permanent Loan Company or to have certificate of title issue in the name of The Great West Permanent Loan Company unless requested by the said The Great West Permanent Loan Company and it shall not be necessary in any discharge of mortgage, conveyance, assignment or other instrument to recite or set out such transmission or assignment of title.

Act to
operate as
a convey-
ance

4. All conveyances, transfers, assignments, releases and discharges which may have been executed by and in the name of The Great West Permanent Loan and Savings Company and all proceedings under power of sale or mortgage which may have been had and taken in the name of the above mentioned company since the coming into force of the said Act are hereby declared to be as valid and effective as if the same had been executed, had or taken by and in the name of the said The Great West Permanent Loan Company.

Act done
by G.W.P.L.
and S. Co.
declared
valid

5. Nothing in this Act shall impair or affect the rights of any creditor of the said respective companies or of either of them.

Creditors
not
affected

6. The Lieutenant Governor in Council shall by proclamation notice of which shall be published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

Coming
into force
of Act

1909

CHAPTER 47

An Act to incorporate The Northern Loan Company.

[Assented to December 18, 1909.]

Preamble

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation

1. The Honourable Thomas Horace McGuire, barrister; Frederick C. McGuire, clerk, and Benjamin C. Seale, insurance agent, all of the city of Prince Albert in the province of Saskatchewan together with such other persons as shall become shareholders in the company are hereby incorporated under the name of "The Northern Loan Company" (hereinafter called "the company") and by that name shall have perpetual succession and may sue and be sued and may have and use a common seal and be capable by law of making, delivering, accepting and receiving all deeds, conveyances, mortgages and transfers, assignments and contracts necessary to carry into effect the provisions of this Act and to promote the objects and designs of the company.

Provisional directors

2. The persons named in section 1 shall be the provisional directors of the company.

Capital stock

3. The capital stock of the company shall be twenty thousand dollars and shall be divided into two hundred shares of one hundred dollars each.

Head office

4. The head office of the company shall be at the city of Prince Albert or at such other place in the province of Saskatchewan as the directors may from time to time by bylaw determine.

Election of directors

5. At each annual meeting the shareholders of the capital stock present or represented by proxy who have paid all calls due on their shares shall choose not less than three nor more than eight persons to be directors of the company.

(2) The number of directors may within the limits afore-^{Number may be changed} said be changed from time to time by vote of the shareholders at any general meeting of the company.

(3) Every shareholder who has paid all calls due on his^{Votes} shares shall be entitled to one vote for each share held by him.

(4) No person shall be a director unless he holds in his^{Qualification of directors} own name and for his own benefit at least five shares of the capital stock of the company and has paid all calls due thereon and all obligations and liabilities incurred by him to the company.

(5) In case of any director ceasing through death, resigna-^{Vacancy through death, etc.} tion or other cause except removal by vote of shareholders to hold office the remaining directors may within two months thereafter choose another person to fill the vacancy until the next annual meeting but until such vacancy is filled the remaining directors may continue to carry on the business of the company notwithstanding that their number be less than three and the continuance of the company shall not be affected by the number of directors being less than three during such two months.

6. The company may carry on the business of lending^{Powers as to loans} money on the security of or purchasing or investing in:

- (a) Mortgages or hypothecs upon freehold or leasehold^{Mortgages} real estate and other interests in land; and
- (b) The debentures, bonds, fully paid up stocks and^{Debentures, bonds, etc.} other securities of any government or of any municipality or school corporation or of any chartered bank or company incorporated by Canada or any province of Canada but not including bills of exchange or promissory notes:

Provided that the loan upon the security of or the purchase of or investment in the debentures, bonds, stock or other securities of any company so incorporated shall not exceed one-fifth of the paid up capital of any such company nor one-fifth of the paid up capital of the company.

(2) The company may take personal security as collateral^{Personal security} for any advance made or to be made or contracted to be made by or for any debt due to the company.

7. The company may act as an agency association for the^{Agency association} interest and on behalf of others who may intrust it with money for that purpose and may either in its own name or of such others lend and advance money to any person or municipal or other authority or any board of trustees or commissioners upon such securities as are mentioned in the next

preceding section and may purchase and acquire any securities on which they are authorised to advance money and again resell the same.

Enforce-
ment of
agreements

(2) The conditions and terms of such loans and advances and of such purchases and resales may be enforced by the company for its benefit and for the benefit of the persons or corporations for whom such money has been lent and advanced or such purchase or resale made and the company shall have the same power in respect of such advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

Guarantee
of
payments

(3) The company may also guarantee the repayment of the principal or the payment of the interest or both of any moneys entrusted to the company for investment and of any money secured by any mortgage or other security given to or purchased by the company and assigned by it as security or sold by the company.

Employ-
ment of
capital

(4) The company may for any or all of the foregoing purposes lay out and employ the capital and property for the time being of the company or any part of the money authorised to be raised by the company in addition to its capital for the time being or any money so entrusted to it as aforesaid; and may do and assent to and exercise all acts whatsoever which in the opinion of the directors of the company for the time being are requisite or expedient to be done in regard thereto.

Money
guaranteed
to be
deemed
borrowed

(5) All moneys of which the repayment of the principal or the payment of the interest is guaranteed by the company shall for the purposes of this Act be deemed to be money borrowed by the company.

Company
may act as
trustee,
executor,
etc.

8. The company may also take, receive and hold all estates and property (real and personal) which may be granted, committed, transferred, delivered or conveyed to it with its consent upon any trust or trusts whatsoever not contrary to law at any time by any person or persons, body or bodies corporate or by any court of the province and may administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed or as may be directed by the court and may also accept and execute the offices of executor and administrator, *administrator de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, receiver or guardian or may perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of a court or judge; and in all cases where application shall be made to any court in the province having jurisdiction for that purpose or for the appointment of any executor, trustee, receiver, guardian, administrator or *administrator de bonis non* it shall be lawful for any such court to appoint the

company subject as is hereinafter provided with its consent to hold such office or offices and the accounts of the company as such executor, administrator, *administrator de bonis non*, trustee, receiver or assignee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the company for the care and management of the estate committed to it.

(2) The company shall have power to invest all moneys ^{Investing moneys} which it may receive or have for investment as executor, administrator or trustee upon such securities and in the manner provided by *The Trustee Ordinance*.

9. The company may borrow money and receive money ^{Borrowing and deposits} on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on and may issue its bonds, debentures and other securities and may give mortgages on its real estate and assign any mortgages or other securities given to the company as security for money borrowed by it as herein provided.

10. The directors may at any time if authorised thereto ^{Increase of capital stock} by a vote of the shareholders increase the capital stock of the company to a sum not exceeding two hundred thousand dollars and in the event of such increase the shareholders at the time of such increase shall during such period as may be prescribed by the directors be entitled to a *pro rata* allotment of such increase.

11. The directors of the company may with the consent of the shareholders at a special general meeting duly called for the purpose create and issue debenture stock in sterling or currency in such amount and manner on such terms as to redemption or payment thereof and otherwise and bearing such rate of interest as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company and such debenture stock shall rank after any ordinary debentures already issued and the deposit debt of the company and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the company.

12. The debenture stock aforesaid shall be entered by the ^{Entry in register} company in a register to be kept for that purpose in the head office of the company wherein shall be set forth the names and addresses of those from time to time entitled thereto with the respective amounts of the said stock to which they are respectively entitled and the register shall be accessible for inspection and perusal at all times to every debenture holder,

mortgagee, bondholder, debenture stock holder and shareholder of the company without charge; such stock shall be transferable in such amounts and in such manner as the directors may determine.

Exchange
of
debenture
stock

13. The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Cancellation
of stock

14. The directors having issued debenture stock may from time to time as they think fit and for the interest of the company buy up and cancel the debenture stock or any portion thereof.

Preference
stock

15. The directors of the company may make a bylaw for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the bylaw.

Bylaw
to be
sanctioned

(2) No such bylaw shall have any effect or force until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting duly called for considering it, such shareholders holding not less than one-half of the amount paid up on the capital stock of the company.

To be
deemed
share-
holders

(3) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act:

Provided that in respect of dividends and otherwise they shall as against the ordinary shareholders be entitled to the preferences and rights given by such bylaw.

Rights of
creditors

(4) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Reserve
fund

16. The directors may set aside out of the profits of the company such sum as they think proper as a reserve fund to meet contingencies or for equalising dividends or for repairing any part of the property of the company and for such other purposes as the directors shall in their discretion think conducive to the interests of the company and may invest the several sums so set aside upon such investments, other than shares of the company, as they may think fit and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the company and may divide the reserve fund into such special funds as they think fit with full power to employ the assets constituting the reserve fund in the business of the company and that without being bound to keep the same separate from other assets:

Provided always that the investment of the reserve fund shall be subject to the limitation contained in section 6 of this Act.

17. The business of the company shall be managed by the directors who shall pay all expenses incurred in promoting and incorporating the company and selling the stock thereof and may affix the seal of the company and may make or cause to be made for the company any description of contract which the company may by bylaw enter into and may exercise all such powers of the company as are not by this Act required to be exercised by the company in general meeting and amongst other things may from time to time exercise the following powers the same being specifically referred to for greater certainty but not so as to restrict the generality of the foregoing terms of this section:

- (a) Issue debenture, bonds, deposit receipts and stocks and regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for nonpayment, the disposal of forfeited stock and of the proceeds thereof and the transfer of stock; Powers of directors
Issue debentures, etc.
- (b) Declare and pay dividends; Dividends
- (c) Determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any; Number of directors
- (d) Delegate any of their powers to committees consisting of such member or members of their body as they think fit; and any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors; Committees
- (e) Appoint and remove all agents, officers and servants of the company and provide for and determine their functions and duties the security to be given by them to the company and their remuneration; Appoint officers
- (f) Determine the time and place for the holding of the annual or any other meeting of the company, the calling of meetings (regular and special) of the board of directors and of the company, the requirement as to votes and proxies and the procedure in all things at such meetings; Arrange meetings
- (g) Provide for the imposition and recovery of all fines and forfeitures admitting of regulation by bylaw; Fix fines.
- (h) Conduct in all other particulars the affairs of the company; Conduct business.
- (i) Make bylaws for the regulation of the company, its officers and servants or of the members of the company; Make bylaws

Other
powers

- (j) Any other powers not contrary to the provisions of this Act conferred upon the directors by a bylaw passed at a meeting of the company.

Defective
appoint-
ments

18. The acts of the directors or of any committee thereof shall notwithstanding that it may be afterwards discovered that there was some defect in the appointment of any such director or member of committee or that they or any of them were or was disqualified be as valid as if such person had been duly appointed and qualified to be a director.

Paying
debts with
shares

19. The company may by resolution authorise the issue of paid up shares in payment of any of its obligations:

Provided that the amount of the paid up stock as issued shall not exceed the amount of its authorised capital.

Register
to be
evidence

20. The register of shareholders shall be *prima facie* evidence of any matter by this Act authorised to be entered therein.

Limit of
liability

21. No shareholder of the company shall be liable for or charged with the payment of any debt or demand due by the company beyond the extent of the amount unpaid on his shares in the capital stock of the company.

Office

22. The company shall at all times have an office in Prince Albert in the province of Saskatchewan and in such other parts of the province as the directors shall determine.

Not bound
to execute
trusts

23. The company shall not be bound to see to the execution of any trust whether express, implied or constructive to which any share or shares of its stock or debentures or debenture stock or any deposit or any money payable by or in the hands of the company may be subject and the receipt of the persons in whose name such share or shares, debentures, debenture stock, deposit or moneys stands in the books of the company shall from time to time be sufficient discharge to the company for any payment made in respect of such share or shares, debentures, debenture stock, deposit or moneys notwithstanding any trust to which the same may then be subject and whether or not the company has had notice of such trust and the company shall not be bound to see to the application of the money paid upon such receipt.

Transmis-
sion
through
death, etc.

24. The directors may by bylaw prescribe the conditions governing the transmission of any interest in shares, stocks, bonds, debentures or other obligations of the company and the entering on the books of the company of any transfer pursuant to or in consequence of such transmission or its recognition by the company where such transmission is in consequence of

the death, bankruptcy or insolvency of the holder of such interest or by any other lawful means and may by such bylaw authorise the directors to apply by petition to the supreme court of Saskatchewan or a judge thereof in case of reasonable doubt as to the legality of any claim to or upon such shares, stocks, bonds, debentures or other obligation of the company praying for an order or judgment awarding or adjudicating the said shares, stocks, bonds, debentures or other obligations and proceeds to the parties legally entitled thereto; and such court or judge shall have authority and jurisdiction to restrain actions or proceedings against the company, its directors and officers in respect of the matters in said petition pending the determination thereof and to make such order or judgment as may be just and the company; its directors or officers shall be indemnified and protected by obedience thereto against all actions and claims in respect of said matters:

Provided that if the court or judge adjudges that the ^{Costs} doubts were reasonable the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, stock, debentures, obligations and proceeds and shall be paid to the company before the directors shall be obliged to transfer or assent to the transfer thereof or to pay such shares, stock, bonds, debentures or other obligations or any dividends, coupons or proceeds thereof to the parties found entitled thereto.

25. At any meeting of the company on the written demand of shareholders holding or representing by proxy not less than twenty-five per cent. of the capital stock issued of the company there shall be submitted to the same meeting the question of the removal from the board of directors of any member thereof such question to be decided by the vote of a majority of the shareholders present or represented by proxy at such meeting and holding not less than a majority of the capital stock issued of the company: ^{Removal of directors}

Provided that the removal of any such director from the board of directors shall take effect at the expiration of fourteen days after his removal has been so decided upon and a meeting of the shareholders shall be called for the last of such fourteen days to elect a director to fill the vacancy caused by such removal and the member so removed shall be eligible for reelection to said board. ^{Filling vacancy}

26. The powers granted by this Act shall be subject to the provisions of any Act respecting loan companies which may at any time hereafter be in force in Saskatchewan. ^{Subject to Loan Companies Act}

27. Subject to the provisions of this Act the provisions of ^{The Companies Ordinance} *The Companies Ordinance* shall in so far as the same may be applicable thereto apply to the corporation. ^{to apply}

Returns

28. The corporation shall furnish all such returns as may be required from time to time by the provincial secretary.

Commence-
ment of
business

29. The corporation shall not be entitled to commence business until at least fifty per cent. of the authorised capital stock of the corporation has been subscribed and ten per cent. of the stock so subscribed has been fully paid up.

1909

CHAPTER 48

An Act to incorporate The Yorkton Agricultural and Industrial Exhibition Association, Limited.

[Assented to December 18, 1909.]

WHEREAS William Simpson, clerk, Thomas A. Waterfield, farmer, Harry H. R. Nepveu, farmer, Howard Bradbrook, merchant, John McDonald, banker, Charles W. R. Pearson, banker, Samuel S. Rickard, farmer, W. R. Parsons, barrister all of Yorkton in the province of Saskatchewan have petitioned that they may be incorporated under the name of "The Yorkton Agricultural and Industrial Exhibition Association, Limited" for the purposes herein contained;

And whereas it is expedient to grant the prayer of the said petitioners:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. The persons hereinbefore named and all such persons as ^{incorpora-} shall become shareholders of the said association shall be and ^{tion} are hereby constituted and declared to be a body corporate and politic in law and in fact under the name and style of The Yorkton Agricultural and Industrial Exhibition Association, Limited, having for its objects the promotion of agricultural industries and sciences generally and the organising, establishing and holding of an annual agricultural, industrial, art and other exhibitions at or near the town of Yorkton in this province and for other purposes and for doing all things appertaining thereto or connected therewith and such shall and may have perpetual succession and a corporate seal with power from time to time to make, alter, break or change the same and shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in any court of law or equity.

2. The capital stock of the said association shall be \$20,000 ^{Capital stock} divided into two thousand shares of \$10 each and the same may be increased as hereinafter provided; and such shares shall be transferable upon the books of the said association in such manner and subject to such restrictions as may be fixed by the bylaws of the said association and calls may be made upon such stock in such instalments and upon such notice as shall be regulated by the board of directors.

**Provisional
directors**

**Stock
books**

**When first
meeting
of share-
holders to
be called**

**Objects and
powers
of the
association**

3. The persons named in the preamble to this Act are hereby constituted a provisional board of directors and they shall hold office until the first election of trustees under this Act; and they or a majority of them may cause stock books to be opened at the town of Yorkton and elsewhere at the discretion of the said provisional directors which shall remain open as long as they may deem necessary; when at least \$500 stock shall be subscribed and \$500 thereof actually paid up the provisional directors shall call a general meeting of the shareholders at the town of Yorkton for the purpose of electing directors and such meeting shall be called in manner hereinafter provided for the calling of general and special meetings; and the provisional directors are hereby authorised to receive from the shareholders payment in full or any less amount of the amount of stock subscribed by them respectively and to pay all costs and expenses incurred in the application for and obtaining this Act of incorporation; so soon as the directors shall have been elected as hereinafter provided the powers and functions of the provisional directors shall cease and determine.

4. The said association is hereby authorised and empowered either permanently or periodically to erect any structures, buildings and enclosures in any place or places in or near the said town of Yorkton and for the promotion of industries, arts and sciences generally therein to exhibit any and every variety of thing and being found in animal and vegetable life and any and every mineral product; to exhibit products, wares, goods, merchandise, machinery, mercantile inventions and improvements of every nature, name and kind and such as are generally exhibited at fairs; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals by such competitive tests as may be humane and proper and as may be deemed expedient and to make such other exhibitions as will be in conformity with the purposes and objects of this Act and also to provide entertainment and amusement to persons visiting its exhibitions by means of music, shows or other attractions and to enter into contracts for such purposes and to allot space for such shows or attractions and to dispose of any contracts for such music, shows or attractions which may not be completed at the close of any exhibition; and the said association is hereby further authorised in carrying on and maintaining the business aforesaid and such other business as may be hereinafter mentioned to hold, own and acquire by lease, purchase, gift or otherwise property (real, personal and mixed) at such prices and on such terms and conditions as may be agreed upon and may improve and use the same by construction of such buildings, houses, works and improvements as are necessary and are deemed proper, to sell, let on lease or other-

wise dispose of the same at such prices and on such terms and conditions as may be agreed upon and the said association is hereby further authorised to cultivate such portion of their grounds as they may deem proper for the propagation of plants, trees, shrubs, etc., and also to manufacture and raise articles and things required in the various exhibitions contemplated:

Provided always that the said corporation shall at no time acquire or hold as purchasers any lands or tenements or any interest therein exceeding in the whole at any one time the annual value of \$1,000 nor otherwise than for their actual use or occupation for the purposes of the said association.

5. The said association is hereby authorised to charge admission fees to the places of exhibition or any part thereof and such entry fees as may be deemed proper to receive for exhibiting everything contemplated by this Act; to receive subscriptions to the prize list or for aiding the general purposes of the association and subscriptions and bonuses to the guarantee or other fund established for the prize list or for the purposes of the association and to sue for and recover the same from the party subscribing; to award and to pay the exhibitors such prizes, medals and honorary distinctions as they may deem proper and to let, lease or own stalls, stands, rooms and places in any of their buildings or structures or in any part of their property upon such terms and conditions as the board of directors deem best for the interests of the said association.

6. Special and general meetings of the said association may be called by publishing a notice of such intended meeting for two successive issues of a weekly newspaper published in the town of Yorkton and by mailing at least ten days before such meeting notice of the calling of such meeting to all shareholders whose addresses have been registered with or are known by the secretary of the said association; each shareholder without regard to the number of shares held by him shall be entitled to only one vote at any election or upon any question; at all special or general meetings of the shareholders fifteen shareholders shall constitute a quorum.

7. No dividend or profit on the stock or shares in the said association shall be declared or paid and no remuneration shall be paid to the president, vice presidents or directors.

8. The board of directors shall consist of not less than ten nor more than twenty directors; the directors other than those provided for in section 10 of this Act shall be elected by ballot at the annual meeting of the shareholders; but if such meeting be delayed or the election cannot then take place then at a meeting to be called by publication of a notice thereof in

manner provided in this Act or the bylaws of the association; each of the said directors shall be a shareholder in his own right except as provided in section 10 of this Act; the election of directors and other questions voted on at any meeting of the shareholders shall be decided by a majority of the votes of the shareholders present in person or represented by written proxy but no shareholder shall have more than one vote in his own right; the directors so chosen shall elect one of their own number to be president and two others to be first and second vice presidents respectively and the said president, vice presidents and directors shall continue in office one year or until others shall be chosen to fill their places as may be provided by the bylaws of the said association; and if any vacancy shall happen by death, resignation or otherwise during the said year in the office of president, vice presidents or directors the remaining directors shall supply such vacancy for the remainder of the year and the election of directors except those referred to in section 10 hereof shall take place annually either on the day of the annual meeting of shareholders or on such other day or days as may be fixed by bylaw of the said association.

Election of directors

Appointment of president and vice presidents

Duration of office

Filling vacancies

Annual meeting

9. The annual meeting of the shareholders of the association shall be held on a day to be fixed by bylaw of the board of directors.

Associate directors

10. The directors of the said The Yorkton Agricultural and Industrial Exhibition Association, Limited, shall have power to accept a representative or representatives from any society or organisation for the promotion of agriculture, stock raising, dairying, poultry raising, art or any form of industry to be associate director or directors of The Yorkton Agricultural and Industrial Exhibition Association, Limited; the persons so appointed shall be eligible to act on any of the various committees of the said association but shall not be entitled to attend board meetings or to exercise any other function of a director of the said association and shall hold office at the pleasure of the directors of the said association.

Powers of directors

11. The directors shall have full power to make all bylaws and regulations not inconsistent with the provisions of this Act for the management of the association, the acquirement, management and disposition of its stock and shares, property and effects and of its affairs and business, the making, management and collection of calls on stock and shares and forfeiture thereof for nonpayment, the entering into arrangements and contracts with any person or corporation, the form and issuing of stock certificates and the transfer of shares, the calling of general and other meetings of the association, the appointment and removal and remuneration of all officers, agents, clerks, workmen and servants of the association, the admission fees to

be received from persons visiting their exhibitions and from exhibitors and in general to do all things that may be necessary to carry on the objects and the exercise of the powers incident to the association.

12. The directors may from time to time increase the capital stock of the said association for such amounts as occasion may require and may also authorise any of its officers or officials to borrow money from any bank, corporation or individual or individuals on the note or notes of the association and may also raise or borrow any sum or sums of money by means of mortgage on their real or personal property or by the issue of bonds or debentures of not less than \$100 each on such terms and credit as they may think proper and may pledge, mortgage or hypothecate all the property, admission and entrance fees, tolls and income of the association or any part thereof to secure the repayment of the moneys so raised or borrowed and the interest thereon.

Increase of capital stock
Borrowing powers
Security for

13. No shareholder shall be personally liable for the promises, contracts, debts, undertakings, torts or liabilities of the said association beyond the amount remaining unpaid upon stock held by him.

Limitation of shareholders' liability

14. Any municipal or other corporation in Saskatchewan may guarantee the bonds or debentures of the said association or may grant aid to the said association out of any moneys belonging to the municipality or corporation and may raise money in the usual manner for the purpose of granting such aid and may grant such aid upon such terms and conditions as may be agreed upon between the said association and the municipality or corporation granting such aid.

Grants in aid

15. The council of any municipality and the said association are hereby respectively authorised to make and enter into any agreements or covenants relating to the holding of any exhibitions at or near Yorkton and granting and accepting aid for the same.

Holding exhibitions

16. In any action for the recovery of calls or arrears of calls on the stock or share or shares of any shareholder or shareholders of this association or for the recovery of any grant or subscription in aid of the association hereby incorporated, subscribed for or granted under the authority of this Act it shall be sufficient for the said association to allege that the defendant being the owner of such stock or shares is indebted to the said association in such sum of money as the calls in arrears amount to, for such and so many shares or being a subscriber to the said association for an amount to be named is indebted to the association in respect of such subscription, or as the case may be,

Actions of associations

**Proofs
required**

whereby an action has accrued to the association by virtue of this Act; and on the trial in order to establish a *prima facie* case it shall only be necessary to prove that the defendant was owner of the said stock or shares in the association, that the said calls were made and that notice was given as provided by the bylaws of the association or that the defendant was a subscriber to the said association for such an amount and that such subscription is due and unpaid and that notice, if any, was given as required by the bylaws of the association; and it shall not be necessary to prove the appointment of directors who made such calls or any other matter whatsoever than by this section specially required, and any copy or extract of any bylaw, rule, regulation or minute or of any entry in any book of the association certified to be a true copy or extract under the hand of the president or a vice president, the manager or secretary of the association and sealed with the corporate seal thereof shall be received in all courts and proceedings as *prima facie* evidence of such bylaw, rule, regulation, minute or entry without any further proof thereof and without proof of the official character or signature of the officer signing the same or of the corporate seal.

Returns

17. The said association shall furnish all returns as may be called for from time to time by the minister of agriculture or by such other persons as are required by *The Agricultural Societies Act*.

**Affixing
name**

18. The association shall paint or affix and keep painted or affixed its name with the word "limited" after it on the outside of every office or place in which the business of the association is carried on in a conspicuous position, in letters easily legible and shall have its name with the said word "limited" after it mentioned in legible characters in all notices, advertisements and other official publications of the association and on all bills of exchange, promissory notes, cheques, orders for money or goods purporting to be drawn, made, signed, given or indorsed by or on behalf of the association and in all bills, invoices, receipts, letters and other writings used in the transaction of the business of the association; and the association shall be liable on summary conviction to a penalty of \$20 for every neglect or omission of the name of the association with the word "limited" after it in any of the above cases.

1909

CHAPTER 49

An Act to incorporate The German-English Academy of Rosthern.

[Assented to December 18, 1909.]

WHEREAS Herman Fast, of Petrofka in Saskatchewan; John J. Friesen, Henry B. Penner, Isaac P. Friesen, Diedrich Epp, all of Rosthern in the said province; Johann Quiring, of Rosthern in the said province; Gerhard C. Dyck, Heinrich Warkentin, both of Waldheim in the said province; Isaac Loewen of Osler, all in the said province and others by their petition in that behalf have represented that they are desirous of associating themselves together for the purpose of establishing, maintaining and conducting an institution of learning for the education of youths of both sexes and the said petitioners have prayed to be incorporated under the name of "The German-English Academy of Rosthern" and whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Herman Fast, John J. Friesen, Henry B. Penner, Isaac P. Friesen, Diedrich Epp, Johann Quiring, Gerhard C. Dyck, Heinrich Warkentin, Isaac Loewen above named and such other persons as shall hereafter become members of the corporation hereby created are hereby constituted a body corporate and politic under the name of "The German-English Academy of Rosthern" hereinafter called "the corporation" and they and their successors shall by the said name have perpetual succession and a common seal and may under the said name sue and be sued and shall have all the powers, rights and privileges incident to a corporation as hereinafter mentioned.

2. The corporation shall have power and legal authority to establish, equip, maintain and conduct in or near the town of Rosthern in the said province an institution of learning for the education and instruction of youths of both sexes or of either sex in the elementary and higher branches of knowledge and to do all such acts, matters and things as are incidental to or conducive to the attainment of the said objects.

3. The board of trustees hereinafter provided for may make such regulations as they think expedient touching the physical,

moral and religious training and conduct of the pupils and students and for their attendance upon public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers according to their respective forms of religious faith and every facility shall be afforded for such purposes.

Acquisition
and
disposition
of property

4. The said corporation shall have power to take, receive, own, hold, purchase, take on lease or in exchange, hire or otherwise acquire any such real and personal property as the board of trustees may deem requisite, necessary or desirable for the purposes of the said institution and also to mortgage, sell, lease, transfer or otherwise dispose of the same or any part thereof and also to receive and hold for the benefit of the corporation all gifts, scholarships, bursaries or donations, special or general legacies, devises or bequests of property (real or personal) on any trusts relating thereto which may be directly or indirectly for the benefit of the corporation and also to sell, transfer and convert into money all such property (real or personal) and to apply the proceeds thereof directly or indirectly to or for the benefit of the corporation:

Provided that the actual value of such real estate shall not at any time exceed \$50,000.

Head
office

5. The head office of the corporation shall be at the town of Rosthern in the said province.

Membership
fee

6. The payment of the sum of \$5 in the year 1909 and for each succeeding year the sum of \$5 or such other amount as shall be decided at the annual general meeting of the corporation shall constitute the payer an ordinary member of the corporation for the calendar year in which such payment is made; and the payment of the sum of \$100 to the funds of the corporation shall constitute the payer an honorary member of the corporation and all honorary members shall be life members.

Honorary
members

Commencing
operations

7. The corporation may commence operations and exercise the powers hereby granted as soon as five thousand dollars are subscribed and twenty per cent. thereof paid thereon.

Rates,
regulations
and bylaws

8. The corporation in general meeting may from time to time make all such rules and regulations and pass all such bylaws and do all such acts and things not contrary to this Act as they may deem necessary or desirable for carrying out the objects of the corporation and may at any such general meeting increase or reduce the number of trustees hereinafter provided for and may alter their qualifications and may also determine whether all or what number of or in what relation such trustees shall in each or any year continue in or retire from office:

Provided that the number of such trustees shall in no case be less than seven nor more than fifteen.

9. The control, regulation and management of the business and affairs of the corporation shall be vested in a board of trustees consisting of nine members to be elected by the members as hereinafter provided and until the election hereinafter provided for takes place the following persons shall be the board of trustees: Herman Fast, John J. Friesen, Henry B. Penner, Isaac P. Friesen, Diedrich Epp, Johann Quiring, Gerhard C. Dyck, Heinrich Warkentin and Isaac Loewen.

10. The first general meeting of the members of the corporation shall be held in the said town of Rosthern at the office of the corporation on the first Friday in the month of February in the year one thousand nine hundred and ten and thereafter a general meeting of the members shall be held in each year at such time and place as the board of trustees shall from time to time direct and at such first and subsequent general meetings the members present in person or by proxy shall elect a board of trustees:

Provided that if for any reason the said meeting or meetings or any of them is or are not held at the time appointed therefor the previous board of trustees shall continue in office until their successors are elected.

11. Any person a member or adherent of any Mennonite body and a member of the corporation shall be eligible to be elected as a trustee and women as well as men shall be eligible.

12. At all meetings of the members each member shall have only one vote and every member may in writing constitute any other member his or her proxy to vote at such meetings and every such appointment shall be produced to and deposited with the person presiding at such meeting before the vote of such proxy shall be received but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

13. In addition to the annual general meeting of the members hereinbefore provided for special general meetings of the members may be convened by the board of trustees at such times and places as they may think fit and a special general meeting of the members shall be convened at any time by the board of trustees on the requisition of any fifty members requiring them so to do and such requisition shall be in writing and shall specify the object of the meeting and shall be left with the secretary or other officer or member of the board of trustees and if the board of trustees shall fail to cause such meeting to be held within twenty days after the said requisition is left with the secretary or other officer as aforesaid such members may call a special general meeting by giving notice as hereinbefore mentioned:

Proviso Provided that no special general meeting called upon any such requisition shall enter upon any business not set forth in such requisition and notice.

Notice of meetings 14. Notice of all meetings of the members shall be given by mailing not less than ten days before the dates of such meetings a prepaid circular letter addressed to such member at his or her post office address as stated in the register of members and such notices shall specify the place, day and hour of such meeting and in case of a special general meeting called upon the requisition of any fifty members such notice shall also specify the object of such meeting.

Quorum 15. At all general meetings of the members ten members shall constitute a quorum and at every such meeting such person will preside as the board of trustees may appoint and in default of such appointment or in the absence of the person so appointed the members present may elect a person from their own number to preside.

Adjournment 16. Every meeting of the members may be adjourned from time to time as the members present may by resolution decide.

Powers of trustees 17. The board of trustees in addition to the powers and authorities by this Act expressly conferred upon them may exercise all powers and do all such acts and things as may be exercised or done by the members in general meeting and as are hereby expressly directed or required to be exercised or done by the members in a general meeting but subject nevertheless to the provisions of this Act and to any regulations from time to time made by the members in general meeting:

Proviso Provided that no regulations so made shall invalidate any prior act of the board of trustees which would have been valid if such regulations had not been made.

Enumerated powers of trustees 18. Without prejudice to the general powers conferred by the last preceding section of this Act and the powers conferred by this Act it is hereby expressly declared that the board of trustees shall have the following powers, that is to say power:

1. To pay the costs, charges and expenses preliminary and incidental to the promotion, formation and establishment of the corporation and the passing of this Act;

2. From time to time at their discretion to raise or borrow any sum or sums of money for the purposes of the corporation;

3. To raise or secure the repayment of such moneys in such manner and upon such terms and conditions in all respects as they think fit and in particular by mortgaging all or any part of the real and personal property of the corporation or by promissory note or other negotiable instrument or by the issue

of debentures or debenture stock of the corporation charged upon all or any part of the property of the corporation ;

4. To purchase or acquire by gift or otherwise any property rights or privileges which the corporation is authorised to acquire at such price and generally on such terms and conditions as they may deem proper ;

5. To determine who shall be entitled and have power to sign on behalf of the corporation deeds, transfers, mortgages, leases, contracts, receipts, releases, discharges, cheques, promissory notes and other negotiable instruments and all other documents necessary or incidental to the business of the corporation ;

6. To fix and determine the officers of the corporation and the mode of electing or appointing the same and their respective powers, duties, salaries and qualifications ;

7. To select, appoint and engage all such teachers, instructors, servants and employees as they may deem necessary in connection with the said institution and to fix and determine their respective terms of office, powers, duties, salaries and qualifications and the same from time to time to dismiss and discharge ;

8. To make such regulations for the management, government and discipline of the said institution, for the admission of pupils or students thereto and for determining their courses of studies and the fees to be paid by such pupils or students as they may deem proper ;

9. To provide for the boarding and lodging in a residence or residences connected with the said institution of such pupils or students as may desire the same and to fix the terms and charges therefor and mode of payment thereof ;

10. To enter into any arrangements with any authorities, legislative, municipal, local or otherwise that may seem conducive to the objects of the corporation or any of them and to obtain from any such authority any rights or privileges and concessions which the corporation may think it desirable to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions ;

11. To erect, construct, furnish, equip, maintain and alter any buildings necessary or convenient for the purposes of the corporation ;

12. To delegate any of their powers to an executive or other committee or committees consisting of such member or members of their own body as they think fit :

Provided that any committee so formed shall in the exercise of the powers so delegated conform to any regulation that may from time to time be imposed upon it by the board of trustees ;

13. To appoint such person or persons as they may deem proper to be visitor or visitors of the said institution with such powers of inspection and report as the board of trustees may decide;

14. To provide for and regulate the registration of the members of the corporation;

15. From any funds on hand to establish any scholarship or scholarships upon such conditions as they may deem proper;

16. To enter into all such negotiations and contracts and to rescind and vary all such contracts and to execute and do all such acts, deeds and things in the name and on behalf of the corporation as they may consider expedient for or in relation to the matters aforesaid or any of them or otherwise for the purposes of the corporation;

17. The board of trustees and any executive or any committee thereof may regulate their respective meetings and mode of calling the same and the proceedings thereat as they think fit and may respectively determine the quorum necessary for the transaction of business at any such meeting.

Resolutions

19. A resolution in writing signed by all the members of the board of trustees or by all the members of any executive or other committee shall be valid and effectual as if it had been passed at the meeting of the board of trustees or of any such committee respectively duly called and constituted.

**Vacancies
in board
of trustees**

20. Any casual vacancy occurring in the board of trustees may be filled up by the board of trustees but any person chosen to fill such vacancy shall retain his office so long only as the vacating trustee would have retained the same if no vacancy had occurred.

**Defects in
appoint-
ments
not to
invalidate
acts**

21. All acts done by the board of trustees at any meeting thereof or by any executive or other committee of such board or by any person acting as a member of such board or committee shall notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of such trustees, committee or persons or any of them acting as aforesaid or that they or any of them were disqualified be as valid as if every such person had been duly appointed and was qualified to be a trustee or member of such committee.

**Register
of members**

22. The board of trustees shall cause to be kept a register wherein shall be recorded:

- (a) The names alphabetically arranged of all persons who are or have been members;
- (b) The post office address of each member as furnished by him and also the occupation or calling of such member;

- (c) The amount paid in by each member;
- (d) The names, addresses and calling of the several persons who are or have been members of the board of trustees with the date at which each became and ceased to be such member;
- (e) The names and addresses of the officers of the corporation.

23. All creditors and members of the corporation or their representatives shall at all reasonable times be permitted to inspect the said register at the office of the corporation and to make copies or extracts therefrom. Inspection of register

24. Every contract, agreement or any engagement made on behalf of the corporation by any officer, agent or servant of the corporation in general accordance with his powers as such under the bylaws or regulations thereof shall be binding upon the corporation and in no case shall it be necessary to have the seal of the corporation annexed thereto nor shall the party so acting as such officer, agent or servant be thereby subjected personally to any liability to any third party. Power of officer to bind the corporation

25. No member of the corporation shall as such be held liable or responsible for any act, default or liability whatsoever of the corporation or for any engagement, claim, payment loss, damages, injury, transaction, matter or anything whatsoever relating to or connected with the corporation. Members of corporation not liable

26. The corporation shall at all times when thereunto required by the Lieutenant Governor in Council or Legislative Assembly make a full return of its property (real and personal) and of its receipts and expenditures for such period and with such details and other information as the Lieutenant Governor in Council or Legislative Assembly may require. Returns

1909

CHAPTER 50

An Act to incorporate The Alexandra Hospital of Rosthern.

[Assented to December 18, 1909.]

HIS Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incor-
poration

1. William Wiebe, Bernhard J. Friesen, John P. Epp, Diedrich Epp and Fritz Kroll all of Rosthern in Saskatchewan and such other persons as may from time to time become members of the corporation to be incorporated shall be and are hereby constituted a body politic and corporate under the name of "The Alexandra Hospital of Rosthern."

Powers

2. The said corporation by the name of The Alexandra Hospital shall have perpetual succession and a common seal and by such name may from time to time and at all times purchase, acquire, receive, accept, build, hold, possess and enjoy for them and all their successors any lands, tenements, hereditaments and real and movable property and estate within the province of Saskatchewan together with such grants, devises, gifts and bequests as may be made by and received from the government of the Dominion of Canada, the province of Saskatchewan, the town of Rosthern in the province of Saskatchewan and any other corporation, person or persons whatsoever for the sole use and benefit of the said hospital:

Proviso

Provided always that the actual value of such real estate so held as aforesaid shall not at any time exceed the sum of \$50,000.

Board of
directors

3. The affairs of the said corporation shall be managed by a board of directors consisting of five members of whom three shall constitute a quorum and the said William Wiebe, Bernhard J. Friesen, John P. Epp, Diedrich Epp and Fritz Kroll shall constitute a first board of directors and shall hold office as such directors until their successors are appointed as is hereafter provided.

Powers of
board

4. The board of directors shall employ proper persons to attend the sick placed in the said public hospital and provide

for the interment of the dead and may appoint committees of one or more of their number to execute the orders of the said board.

5. The board of directors shall every year at their first meeting after election appoint from among themselves a chairman and also appoint a secretary and a treasurer or a secretary treasurer. ^{Officers of board}

6. The said board of directors shall have power to meet from time to time for the transaction of the affairs of the said corporation and in the absence of the chairman or secretary any director may be appointed to act for the time being as such chairman or secretary. ^{Meetings of board}

7. The said board of directors shall have power to make bylaws, rules and regulations not being contrary to law and power to amend or repeal from time to time the same for all purposes relating to and bearing upon the well being and interest of the said corporation. ^{Bylaws, etc.}

8. All annual subscribers who have paid such sum as may be fixed by the laws of the said board of directors and whose names shall appear in the book kept for that purpose shall be members of the said corporation and shall have the right to take part in the annual meeting of the said corporation. ^{Membership}

9. A donation at any time of \$50 or upwards shall entitle the donor to life membership. ^{Life membership}

10. All members who shall have paid their annual subscription as provided by section 8 and all life members and all subscribers of \$25 and upwards shall be eligible for election as directors. ^{General annual meeting}

11. There shall be a general annual meeting of the members of the said corporation on the third Monday in January in each year at an hour and place to be named by the directors; and notice thereof shall be given by the secretary by written notice and shall be published in one or more of the newspapers published in the said town of Rosthern at least six days previous to the day of such meeting. ^{General annual meeting}

12. If from any cause the general annual meeting shall not be held on the said third Monday of January the directors and officers of the said corporation then in office shall continue in office until such general annual meeting is held and their successors duly appointed as hereinafter provided. ^{Officers to remain in office until successors appointed}

13. If such general annual meeting shall from any cause not be held on the day hereinbefore appointed for the same ^{Postponed general annual meeting}

then it shall be lawful for the directors then in office to decide upon another day for the holding of a general annual meeting which day shall be within two months after the time when the same should have been held; and such meeting shall be called in the same manner as is provided by section 11 hereof for the general annual meeting; and at such meeting all business may be transacted and all things done in the same manner as the same would have been transacted and done if such meeting had been held on the day provided by section 11 hereof for holding the general annual meeting.

Report

14. A full report shall be submitted by the directors to the said general meeting for its consideration and approval showing the condition of the affairs of the said corporation including the treasurer's report, steward's report, receipts and disbursements and all other matters bearing on the interests of the said corporation including the list of members.

**First
general
annual
meeting**

15. At the general annual meeting in 1910 the five directors mentioned shall retire from office and shall be eligible for reelection; the election of directors shall take place by ballot; all directors elected at a general annual meeting pursuant to the provisions of this section shall hold office until the next annual meeting and until their successors are elected.

Auditor

16. At the said general annual meeting in 1910 the members of the corporation shall elect an auditor for the ensuing year and the board of directors at the first meeting thereafter shall also appoint an auditor and it shall be the duty of such auditors to examine and report upon all accounts affecting the said corporation or relating to any matter under its control or within its jurisdiction for the year previous and shall prepare an abstract of the receipts, expenditure and liabilities of the said corporation and shall submit the same to the directors not less than three days before the said general annual meeting.

**Returns
provincial
secretary**

17. It shall be the duty of the said corporation on or before the fifteenth day of January in each year to transmit to the provincial secretary a return of the affairs of such corporation showing in detail the assets and liabilities and number of sick persons received and attended to specifying the nature of their sickness during the preceding year in the said hospital.

**Vaccine
matter**

18. The directors of such corporation shall if they have been requested so to do by the Lieutenant Governor in Council and provided they are in receipt of public funds of the province keep in such hospital at such times and for such period as

may be determined by the Lieutenant Governor in Council an adequate supply of vaccine matter for the following purposes, namely:

- (a) For the vaccination by a qualified person attached to such hospital at the expense of the same all poor persons and (at their own expense) of all other persons who may attend such hospital for that purpose for one day in each week of such period; the fee to be charged for such vaccination shall not in any case exceed seventy-five cents; and the money derived from such fees shall be used and applied for the benefits of the hospital.

19. The said corporation shall in its management be always nondenominational.

20. The directors of the said corporation shall have power ^{Borrowing powers} to borrow money upon the security of the property of the said The Alexandra Hospital of Rosthern either by mortgage, debenture or otherwise as they may deem proper.

21. This Act may be cited as "*The Alexandra Hospital* short title Act."

1909

CHAPTER 51

An Act to incorporate The Mennonite Brethren of Saskatchewan.

[Assented to December 18, 1909.]

Preamble

WHEREAS David Dyck of Borden, Heinrich H. Zimmerman of Waldheim, Johan Quiring of Rosthern, Jacob Lepp and Heinrich Aron Thiessen of Dalmeny, P. J. Friesen, Jacob E. Penner and Tobias Vogt of Hepburn, and Johan Penner of Langham all in the province of Saskatchewan have by their petition represented that the members of The Mennonite Brethren residing in the province of Saskatchewan desire to be incorporated under the name of "The Mennonite Brethren of Saskatchewan" and it is expedient to grant the prayer of the said petitioners:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation

1. There is hereby constituted and established within the province a body politic and corporate under the name of "The Mennonite Brethren of Saskatchewan" herein called "the corporation" which corporation shall consist of the persons herein named and such persons as now are or may hereafter become members of The Mennonite Brethren within the province of Saskatchewan.

Powers

2. Such corporation shall have perpetual succession and a common seal and may at all times hereafter contract and be contracted with, sue and be sued, implead and be impleaded in any matter whatsoever in all courts and places whatsoever in this province and shall have full power to make and establish such rules and orders not being contrary to the laws of the province nor to the canons and rules of The Mennonite Brethren as shall be deemed useful and necessary for the conduct and government of the said church and for the superintendence and improvement of all property (real and personal) belonging to or which shall hereafter belong to the said corporation.

(2) The corporation may acquire real property or any interest therein by gift, demise, bequest, purchase or otherwise and may sell, convey or otherwise dispose of such property or a portion thereof from time to time whenever it may seem expedient so to do:

Provided always that any real property so acquired shall not exceed seven thousand acres.

(3) The proceeds of such property as shall have been disposed of and any other moneys belonging to the corporation may be invested in public securities of the Dominion of Canada or of any province thereof or in any debenture of any municipality or school district of this province or upon security of any real property in this province.

(4) The corporation may borrow from any corporation, individual or individuals such sum or sums of money at such rate of interest and on such terms and for such length of time as is deemed expedient and may grant, mortgage, hypothecate or pledge all or any of its property (real or personal) to secure repayment of the moneys so borrowed when and so often as it may deem expedient and to make and execute under its corporate seal and the hand of its president or vice president and secretary respectively for the time being according to the rules of the said church all proper deeds, bonds, debentures, mortgages and instruments and to do all other acts, matters and things provided for by the powers hereby granted.

3. All the property which shall at any time belong to the said corporation as well as the revenues thereof shall at all times be exclusively applied and appropriated to the purposes of the corporation. Application of property

4. The corporation shall meet annually or biannually for the election of officers and the transaction of other business at such times and in such places as may from time to time be decided and the present officers of the corporation shall continue in office until their successors are appointed. Meetings

5. The corporation may from time to time make rules for the constitution and government of the said corporation and for the guidance of its officers and may alter, amend and annul the said rules from time to time. Rules, etc.

6. It shall be the duty of the said corporation when called upon by the provincial secretary to render an account in writing of the property of the said corporation in which shall be set forth in particular the income derived from any property held under this Act and the source from which the same has been received. Returns

1909

CHAPTER 52

An Act to ratify and confirm Bylaw No. 114 of the
Town of Arcola.

[Assented to December 18, 1909.]

Preamble

WHEREAS the town of Arcola has by petition represented that the council of the said town on the nineteenth day of October, 1909, finally passed bylaw number 114 of the said town entitled "A Bylaw of the Town of Arcola authorising the Issue of Debentures to the Amount of \$15,000 to be expended in the completion and extension of a System of Waterworks for the said Town;"

And whereas before the final passing of the said bylaw the same was duly submitted to a vote of the burgesses of the said town qualified to vote thereon and received the assent of more than two-thirds of the duly qualified burgesses of the said town voting thereon;

And whereas the said town of Arcola has by petition aforesaid further represented that certain doubts exist as to the validity of the said bylaw and that it is expedient to validate and confirm the said bylaw and the debentures issued or to be issued thereunder;

And whereas the said town of Arcola has by its said petition prayed that an Act may be passed for the purpose aforesaid;

And whereas no opposition has been offered by or on behalf of any burgess or otherwise to the said petition;

And whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Bylaw
validated

1. Bylaw number 114 of the town of Arcola is hereby declared to be valid and binding and to have been valid and binding on the said corporation and upon the burgesses thereof as and from the date of the final passing thereof.

Debentures
issued
thereunder
declared
valid

2. All debentures heretofore or hereafter issued by the said town in pursuance of the provisions of the said bylaw are hereby validated and confirmed and declared to be legal and binding upon the said town and the burgesses thereof.

Validity
of bylaw
not to be
questioned

3. The validity of the said bylaw number 114 or of the debentures issued or to be issued in pursuance of the provisions thereof shall not be questioned in any action, suit or other proceeding in any court of the province.

BYLAW NUMBER 114.

A Bylaw of the Town of Arcola authorising the issue of Debentures to the amount of Fifteen Thousand Dollars to be expended in the completion and extension of a System of Waterworks for the said Town.

[Passed the nineteenth day of October, 1909.]

Whereas a bylaw authorising the issue of debentures of the town of Arcola to the amount of sixty thousand dollars (\$60,000) for the purpose of constructing a waterworks system for the said town was duly submitted to the vote of the qualified burgesses and received the support of two-thirds of the burgesses voting thereon and the same was finally passed on the fourteenth day of December, A.D. 1908, and numbered 89;

And whereas pursuant to the provisions of the said bylaw the sum of sixty thousand dollars (\$60,000) was borrowed for the purpose of paying for the construction of the said system of waterworks;

And whereas the construction of the said system of waterworks has been undertaken and it has been found that the sum of sixty thousand dollars (\$60,000) is insufficient to pay for the same and that a further sum of fifteen thousand dollars (\$15,000) is required for that purpose and to extend the said system;

And whereas the council of the said town deems it expedient that the said system of waterworks should be completed and extended as a municipal public work under the provisions of *The Public Works Act*;

And whereas for the purpose aforesaid it is expedient that debentures of the said town should be issued to the amount of fifteen thousand dollars (\$15,000) payable in thirty years from the first day of November, A.D. 1909, bearing interest at the rate of six per centum per annum payable half yearly, which sum of fifteen thousand dollars (\$15,000) is the debt intended to be created by this bylaw;

And whereas the amount of the rateable property in the said town according to the last revised assessment roll is five hundred and ninety-five thousand one hundred and seven dollars and eighty cents (\$595,107.80);

And whereas the amount of the existing debenture debt of the town exclusive of debts for local improvements secured by special assessments is sixty thousand dollars (\$60,000) of which no part either principal or interest thereof is in arrear;

And whereas it is necessary to make provision for a sinking fund to cover the repayment of the said sum of fifteen thousand dollars (\$15,000):

Therefore the council of the Town of Arcola in Council assembled enacts as follows:

1. It shall be lawful for the council of the town of Arcola to borrow on the credit of the said town the sum of fifteen thousand dollars (\$15,000) for the purpose of defraying the cost of completing and extending the system of waterworks as aforesaid and to issue debentures of the said town for the said sum of fifteen thousand dollars (\$15,000) to be payable as hereinafter provided.

2. The said debentures shall bear date the first day of November, A.D. 1909, and shall be made payable in such manner that the whole amount of the principal indebtedness incurred thereby shall be paid at the end of thirty years from the first day of November, 1909.

3. The rate of interest shall be six (6) per centum per annum computed from the first day of November, A.D. 1909, payable semi-annually on the first day of the months of May and November in each year and coupons shall be attached to each of the said debentures representing the respective payments of interest.

4. The said debentures and coupons shall be signed by the mayor or by some person authorised by bylaw to sign the same in his stead and by the secretary treasurer or by some person authorised by bylaw to sign the same in his stead and the secretary treasurer is hereby authorised and instructed to attach the corporate seal of the said town to the said debentures; and the said debentures and coupons shall be made payable at the Merchants Bank of Canada at Arcola.

5. In addition to all other amounts there shall be levied and collected in each year during the currency of said debentures on all rateable property in the said town by special rate or rates sufficient therefor the sum of nine hundred dollars (\$900) for the annual interest and the sum of two hundred and sixty-seven dollars and forty-five cents (\$267.45) by way of sinking fund to meet the principal at maturity making in all the sum of eleven hundred and sixty-seven dollars and forty-five cents (\$1,167.45).

6. This bylaw shall take effect on the day of the final passing thereof.

7. That Alexander Duncan McLeod is hereby appointed returning officer for the purpose of taking the votes of the burgesses on the said bylaw.

8. The votes of the qualified burgesses of the said town shall be taken on this bylaw on the eighteenth day of October, 1909, in the council chamber in the town of Arcola commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day (mountain standard time).

9. On Tuesday the nineteenth day of October, 1909, in the town hall in the town of Arcola at ten o'clock in the forenoon the returning officer shall sum up the total number of votes given for and against this bylaw.

10. On Monday the eighteenth day of October, 1909, at the hour of nine o'clock in the forenoon the mayor shall attend at the office of the secretary treasurer of the said town in the town hall for the purpose of appointing persons to attend at the various polling places and at the final summing up the votes hereinbefore referred to on behalf of the persons interested in this bylaw and promoting or opposing the passage of the same respectively.

Read a first and second time and passed this twentieth day of September, 1909.

[SEAL]

JAS. R. DONALDSON,
Secretary Treasurer.

SAM MCGURK,
Mayor.

Read a third time and finally passed this nineteenth day of October, 1909.

[SEAL]

JAS. R. DONALDSON,
Secretary Treasurer.

SAM MCGURK,
Mayor.

NOTICE.

The above is a true copy of a proposed bylaw which has been introduced by the council of the town of Arcola and which may be finally passed by the said council (in the event of the assent of the burgesses being obtained thereto) within four weeks of the voting thereon and that upon the day and at the place fixed by the said bylaw for taking the votes of the burgesses the voting thereon will be held between the hours of 9 a.m. and 5 p.m. (mountain standard time).

Dated this twenty-first day of September, 1909.

A. D. McLEOD,
Returning Officer.

1909

CHAPTER 53

An Act to authorise the Town of Maple Creek to install a Drainage and Sewage System and to issue debentures for payment of same.

[Assented to December 18, 1909.]

Preamble

WHEREAS the ratepayers or burgesses of the town of Maple Creek have deemed it necessary for the protection of the public health and for the general benefit of the said town that a drainage and sewage system be established for the said town;

And whereas it is shown to be necessary that the said town be empowered to issue debentures for the purpose of paying for the said system:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Authority to construct a drainage and sewage system

1. The town of Maple Creek is hereby authorised to install a drainage and sewage system for the said town said system to consist of pumping station, pumping equipment, sump, outlet and mains on Pacific avenue from Sydney street to Aspen street and on Marsh, Walsh, Harder, Jasper, Maple, Cypress and Aspen streets from Pacific avenue to Third avenue, including laying 6 inch and 4 inch sewer pipe with open joints above the mains for the collection of subsoil drainage water which is discharged at each street intersection into the manhole, the whole system to be according to the general and detailed plans and specifications therefor prepared by C. M. Arnold, civil engineer.

System may extend beyond corporate limits

(2) Full power is given to extend the said system beyond the corporate limits of said town, where in the opinion of the engineer acting on behalf of the town it is deemed necessary so to do.

Town to have certain powers in carrying out works

2. The powers and authorities given a corporation under *The Municipal Public Works Act* to enter upon and to take property, to break up streets, lay pipes and do other things necessary for the proper carrying out of the works authorised may be exercised as fully and effectually by the said town in the installation of said system as if the said system were constructed under the authority of the said *The Municipal Public Works Act* and in pursuance of the terms thereof.

3. The town shall do as little damage as may be in the execution of the powers hereby conferred upon it and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in any property (real or personal), rights or privileges entered upon, taken or used by the town or injuriously affected by the town in the exercise of the powers hereby conferred and in case of disagreement respecting the compensation or damages to be paid therefor the same shall be ascertained by arbitration as provided in *The Town Act*.

Compensation for property taken or injuriously affected

4. For the purpose of defraying the costs of installing the said system the mayor and council of said town are hereby authorised to issue debentures of the said town in the amount of \$45,000, such debentures to be repaid in thirty consecutive annual instalments.

Town may issue debentures

(2) Notwithstanding any provision of law to the contrary the said debentures may lawfully be issued without the submission of any bylaw or bylaws to the burgesses or ratepayers of said town.

No submission of bylaw necessary

(3) All debentures to be issued under the authority of this Act shall when issued be valid and binding upon the said town and upon all the rateable property therein.

Debentures to be a charge upon the town generally

(4) The said debentures shall have attached thereto coupons for the payment of interest thereon and the rate of interest shall be five per cent. per annum.

Interest coupons

(5) Every debenture issued under the authority of this Act shall be sealed with the seal of the town and each debenture and interest coupons attached thereto shall be signed either by the mayor or by some person authorised by bylaw to sign the same in his stead and by the secretary treasurer or by some person authorised by bylaw to sign in his stead.

Execution of debentures and coupons

(6) The said debentures shall be payable in such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run.

Method of repayment

(7) No debentures authorised by this Act shall be issued after the expiration of four years after the coming in force of this Act and said debentures may within the said period of four years bear any date within said period.

Time and mode of issue

5. The said town by its mayor or secretary treasurer may upon the execution of said debentures apply to the minister of municipal affairs to have the said debentures countersigned by him and the said minister of municipal affairs or his deputy is hereby authorised to countersign the same.

Countersigning debentures

(2) Every such debenture countersigned by the minister of municipal affairs or by his deputy shall be valid and binding

Effect of countersigning debentures

upon the town and upon all the rateable property therein and shall not thereafter be open to question in any court on any ground whatever.

Special
rate to be
levied

6. There shall be raised in each year during the currency of said debentures and upon all the rateable property in the said town a sum of money sufficient to pay the annual instalment or instalments payable in each year in respect of said debentures.

Validation
of work
heretofore
done

7. Any work heretofore done, materials provided, expenditure made or undertaken by the council of said town in connection with the said system is hereby declared to have been legally done provided made or undertaken by the said council and to be the act of the said town.

The Town
Act to
apply

8. Notwithstanding anything contained in this Act proceedings may be taken under the provisions of *The Town Act* relating to local improvements for the purpose of defraying a portion of the cost of the said system.

Coming
into force
of Act

9. The Lieutenant Governor in Council shall by proclamation notice of which shall be published in *The Saskatchewan Gazette* declare the day on, from and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

1909

CHAPTER 54

An Act ratifying and confirming Bylaw No. 492
of the City of Regina.

[Assented to December 18, 1909.]

WHEREAS the Sisters of Charity of the North-West Territories commonly known as the Order of Grey Nuns are desirous of erecting a hospital in the city of Regina and the corporation of the city of Regina is desirous of assisting them thereto by granting to them a free site of blocks two hundred and twenty-three and two hundred and twenty-four in the said city of Regina; Preamble

And whereas a bylaw to grant a free site of the said lands to the said order for the purpose of erecting a hospital thereon was duly submitted to the duly qualified burgesses of the said city of Regina upon the eleventh day of June, 1909, after due public notice thereof was given as required by *The City Act* and of the votes cast thereupon 357 were for the said bylaw and 68 were against the same;

And whereas the said bylaw being bylaw number 492 was duly given its third reading and finally passed by the council of the city of Regina on the fourteenth day of June, 1909;

And whereas by petition of the said corporation of the city of Regina it has prayed that an Act may be passed ratifying and confirming the said bylaw;

And whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. Bylaw number 492 of the city of Regina, intituled Bylaw No. 492 of the city of Regina confirmed
"A Bylaw to grant a free site of blocks 223 and 224 to the Order of Grey Nuns for the purpose of erecting a hospital thereon," a copy of which bylaw is contained in schedule A hereto is hereby ratified, confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

SCHEDULE A.

BYLAW No. 492.

A bylaw to grant a free site of blocks 223 and 224 to the Order of Grey Nuns for the purpose of erecting a hospital thereon.

The municipal council of the city of Regina enacts as follows:

1. Blocks two hundred and twenty-three (223) and two hundred and twenty-four (224) in the city of Regina are hereby granted as a free site to the Order of Grey Nuns for the purpose only of erecting and maintaining a hospital thereon.

2. The grant of the said lots is made subject to the conditions that a hospital building to the value of at least \$115,000 shall be erected thereon and thereafter equipped, maintained and operated as a hospital and that the said lots shall be used for hospital purposes only.

3. This bylaw shall be submitted to the burgesses on Friday the eleventh day of June, 1909, and for the purpose of taking the votes thereon the polling places shall be open between the hours of 9 o'clock a.m. and 5 o'clock p.m. in each of the following places in the city of Regina, namely:

First ward—Corporation weight house, Market Square.

Second ward—City hall.

Third ward—Polling booth, corner of Victoria street and Lorne street.

Fourth ward—Polling place, corner of Albert street and Eleventh avenue.

Fifth ward—Polling place, corner of Dewdney street and Cornwall street.

4. John Kelso Hunter is hereby appointed returning officer for the purpose of taking the votes of the burgesses upon the said bylaw.

5. The following persons shall be the respective deputy returning officers to take the votes of the electors upon the said bylaw, namely: First ward—John McCarthy; second ward—F. W. Turnbull; third ward—G. A. Pollard; fourth ward—R. E. Turnbull; fifth ward—C. W. Hoffman.

6. On Saturday the twelfth day of June, 1909, in the city hall in the city of Regina at ten o'clock in the forenoon the returning officer shall sum up the number of votes given for and against this bylaw.

7. On Thursday the tenth day of June, 1909, at the hour of four o'clock in the afternoon the mayor of the city of Regina shall attend at his office in the city hall for the purpose

of appointing persons to attend at the various polling places and also to attend at the official summing up of the votes hereinafter referred to by the returning officer on behalf of the persons interested in this bylaw and promoting or opposing the passage of the same respectively.

Read a first time this eighteenth day of May, 1909.

J. KELSO HUNTER,
City Clerk.

R. H. WILLIAMS,
Mayor.

Read a second time this eighteenth day of May, 1909.

J. KELSO HUNTER,
City Clerk.

R. H. WILLIAMS,
Mayor.

Read a third time and passed this fourteenth day of June, 1909.

J. KELSO HUNTER,
City Clerk.

R. H. WILLIAMS,
Mayor.

[CORPORATION SEAL.]

1909

CHAPTER 55

An Act to incorporate Les Filles de la Providence.

[Assented to December 18, 1909.]

Preamble

WHEREAS an association of nuns has existed for some time in the Province of Saskatchewan under the name of "Les Filles de la Providence" having for its object charitable works comprising the teaching of catechism, missions and congregations for ladies, orphanages, schools, boarding schools, working places, housekeeping schools, agricultural orphanage, industrial schools, deaf and dumb institutes, hospital, asylum, homes for incurables, dispensaries, boarding houses for lame and aged persons and to impart education and moral training to pupils in convent and school;

And whereas the petition presented in their name prays that the association may be vested with corporate powers and it is expedient to grant their prayers:

Therefore his Majesty by and with the advice and consent of the Legislative assembly of Saskatchewan enacts as follows:

Incor-
poration

1. Mère St. Sylvestre, Mère St. Bernadin, Mère Marie Berchmans and such other persons as are now or may hereafter become under the provisions of this Act members of the said association shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "Les Filles de la Providence" for the purposes and objects aforesaid.

Powers

2. The said corporation shall have perpetual succession and a common seal and may at all times hereafter contract and be contracted with, including the borrowing of money on mortgages or promissory notes, sue and be sued, implead and be impleaded in any matter whatsoever in all courts and places whatsoever in this province.

Property
vested in
corporation

3. All lands, tenements and hereditaments, property (real and personal) and all buildings, schools and convents belonging to, possessed or enjoyed by the said association at the time of the passing of this Act and the lands thereto pertaining shall be and the same are hereby declared to be vested in the corporation for the purposes thereof.

Further
powers

4. The corporation shall have power from time to time and at all times hereafter to acquire by gift, devise, bequest,

transfer, purchase or otherwise for the benefit of the corporation any land or real or personal estate and the same or any part thereof may from time to time dispose of by sale, transfer or mortgage, lease, exchange or otherwise and with the proceeds therefrom may acquire other lands, tenements, hereditaments and other property (real or personal) or invest the same in any security whatsoever for the use of the corporation.

5. The revenues, issues and profits of all property (real or personal) held by the corporation shall be appropriated and applied to the maintenance of the members of the corporation and of the institutions carried on by the corporation and the construction and repair of buildings and the acquisition of property (real and personal) requisite for the purposes of the corporation and for the advancement of charity and benevolence. Application of property

6. The head office of the corporation shall be at St. Louis in the province of Saskatchewan or at such other place in the province as may from time to time be determined by the bylaws of the corporation. Head office

7. The corporation may from time to time have or establish and maintain any number of branches thereof to promote the objects of the corporation and for such purpose to appoint such subordinate officers with such powers and tenure of office as the corporation may deem advisable. Branches may be established

8. It shall be lawful for the corporation to make bylaws, rules, orders and regulations for the government and proper administration of the property, affairs and interest of the said corporation and to repeal and amend the same from time to time including the enforcement of discipline and the admission and retirement of members and the appointment, deposition or removal of any person as member of the corporation or bearing office therein and generally for the internal government of affairs of the said corporation. Bylaws

9. Until otherwise directed by bylaw the present existing officers of the said association shall be officers with like powers and privileges of the said corporation and the present existing rules and regulations of the said association shall *mutatis mutandis* be the rules and regulations of the same corporation until changed by bylaw. Existing officers and rules and regulations continued

10. The said corporation shall have power to appoint one or more attorneys for such purposes as they may think fit. Attorneys

11. Unless and until the bylaws of the corporation otherwise provide all transfers, deeds of sale, leases, mortgages and any documents Execution of documents

document or paper writing whatsoever shall be executed with the seal of the corporation attested by the signature of its president, vice president and secretary treasurer or any two of them.

**Liability
of
members**

12. No member of the said corporation shall be individually liable or accountable for the debts, contracts or securities of the said corporation.

Powers

13. The said corporation may exercise any industry that may help to maintain its institution and may bargain and sell the products of the same provided it conforms to the laws of the province.

**Rights
preserved**

14. Nothing herein contained shall affect the rights of his Majesty, his heirs or successors or any other person or any body politic or corporate.

**Duty to
account**

15. The corporation shall at all times when called upon so to do by the Lieutenant Governor in Council render an account in writing of their property and affairs.

1909

CHAPTER 56

An Act respecting the Salvation Army.

[Assented to December 18, 1909.]

WHEREAS the Salvation Army have by their petition ^{Preamble} represented that they have obtained from the Parliament of Canada an Act incorporating the Governing Council of the Salvation Army in Canada, intituled "*An Act to incorporate the Governing Council of the Salvation Army in Canada,*" being chapter 132 of 8-9 Edward VII, and are desirous of having an Act passed by the Legislature of this province to vest in the said the Governing Council of the Salvation Army in Canada all the property in Saskatchewan now held by or vested in trust in any person or persons for the Salvation Army and to confer upon the said the Governing Council of the Salvation Army in Canada such further powers as may be requisite;

And whereas it is expedient to grant the prayer of the said petition:

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. This Act may be cited as "*The Salvation Army Act.*" ^{Short title}

2. In this Act unless the context otherwise requires all words, names and expressions shall have the same meaning as ^{Interpretation} is expressly or impliedly attached to them by chapter 132 of 8-9 Edward VII, being an Act of the Parliament of Canada, intituled "*An Act to incorporate the Governing Council of the Salvation Army in Canada.*"

3. In all cases where the registrar of any land titles office ^{Title to lands} in Saskatchewan is satisfied by affidavit that any land standing in the names of any individuals whether such individuals or any of them be deceased or not actually belongs to the corporation he may cancel the certificate of title standing in the names of such individuals and may issue a new certificate of title for the said land in the name of the corporation.

4. The corporation may exercise and enjoy within Saskat- ^{Corporation} chewan all the rights, powers and privileges conferred by the ^{may} said Act of incorporation without registration or license under ^{exercise} any Act save as herein provided. ^{powers} ^{without} ^{license}

Power to
hold land
by gift,
devise, etc.

5. Notwithstanding the provisions of any Mortmain and Charitable Uses Act any person may grant, give, devise or bequeath to the corporation and the corporation may receive by grant, devise, bequest or gift and acquire by agreement, purchase or otherwise lands or other property or any interest therein and hold the same in trust for the purposes of the Salvation Army with power to charge, sell or otherwise deal with or dispose of the same upon such terms and in such manner as it may deem expedient for the purposes aforesaid; and any devise, bequest or gift of any lands or other property or interest therein to the Salvation Army or to any of the purposes or objects being carried on under the auspices, direction and control of the Salvation Army shall be deemed a devise, bequest or gift to the corporation and shall be held, administered and applied for the purposes aforesaid.

(2) Nothing in this section shall confer upon the corporation power to charge or sell or otherwise deal with or dispose of such lands or property or any interest therein otherwise than as required by the said Act incorporating the corporation against the provisions of the instrument, if any, creating or declaring the trust upon which the same are to be held.

Statement
of
operations
and
business

6. Whenever the provincial treasurer so requires in writing and within such reasonable delay as he appoints the corporation shall transmit to him a statement as to the nature and extent of the operations and business of the corporation as he designates.

Mode of
execution
of
documents
by the
council

7. Any deed, transfer, mortgage, charge or other instrument relating or dealing with real or personal property and rights in the province of Saskatchewan or any interest therein vested in the council shall be deemed to be and be duly executed and shall be sufficient for the purposes for which the same is intended if there are affixed thereto the seal of the corporation and the signature of either the commissioner in Canada or the chief secretary or the field secretary or the financial secretary or the property secretary without being necessary to have any formal meeting of the council or any resolution or bylaw thereof authorising the execution of such transfer, mortgage, charge or other instrument or authorising the sale, mortgage or other dealing with such land which said instrument is intended to carry out and without it being necessary to produce any evidence as to the regularity of any such deed, transfer, mortgage, charge or other instrument.

CHRONOLOGICAL TABLE

The Consolidated Ordinances 1898, all subsequent Ordinances and the Provincial Statutes for 1906, 1907, 1908, 1908-9 and 1909.

LIST OF ABBREVIATIONS: aff-affecting; am-amending; rep-repealing

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing										Provincial Statutes			
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	1909		
C. O. 1898															
Cap. 1	Interpretation														
2	Legislative Assembly	2, am		2, am	2, am	3, am			2, am	4, rep					
3	Elections	3, am			5, am	4, am	2, am		4, rep		3, rep				
4	Controverted Elections														
5	Public Service			3, am					5, rep						
6	Department of Attorney General								7, rep						
7	Department of Territorial Secretary								8, rep						
8	Department of Agriculture								9, rep						
9	Department of Public Works			4, rep					10, rep	6, rep					
10	Treasury Department and Auditing			5, am					13, rep						
11	Public Printing			6, am					14, rep						
12	Public Inquiries					5, am									
13	Security by Public Officers														
14	Vital Statistics		2, am												
15	Expropriation			4, rep					12, rep		38, am				
16	Coal Mines Regulations	4, am	3, am												
17	Steam Boilers Inspection			7, rep					15, rep						
18	Ferries			4, rep											
19	Public Health				4, rep										
20	Hospitals			8, rep											
21	Judicature	5, am	5, am	10, am	5, am	8, am	6, am			8, rep					
22	Clerks	6, am	6, am	14, am											

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes				
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	1909
C. O. 1898													
Cap. 23	Sheriffs		7, am						18, rep				
24	Commissioners					10, am			17, rep				
25	Notaries Public												
26	Creditors' Relief										38, am	15, am	35, am
27	Exemptions		16, am										
28	Juries												
29	Alimony												
30	Slander												
31	Limitation of Actions						7, am						16, rep
32	Justices of the Peace		8, am			10, am			19, rep				
33	Constables								20, rep				
34	Distress												
35	Arbitration												
36	Investigation of Fires												
37	Tenancy in Common												
38	Religious Societies' Lands										38, am		
39	Sales of Goods										38, am		
40	Factors and Agents												
41	Choses in Action												
42	Preferential Assignments								25, rep				
43	Mortgages and Sales of Personal Property		12, am				12, rep				25, am	15, am	35, am
44	Conditional Sales						in part			17, am	38, am	15, am	
45	Partnerships											15, am	
46	Marriages			17, am		11, am			27, am		22, am		35, am
47	Married Women's Property									18, rep			
48	Compensation for Injuries												
49	Insurance for Wife and Children												
50	Masters and Servants												
51	Legal Profession		8, am	14, am	18, am		13, am	3, rep					
52	Medical Profession						14, am	4, am					
53	Dentistry			15, am		12, am	15, am		28, rep				
54	Chemists and Druggists		9, am	16, am	6, am		16, rep		29, rep				
					7, am								

55	Veterinary Surgeons	10, am		17, am		10, rep
56	Hotels and Boarding Houses				38, am	
57	Livery Sales Stables					
58	Auctioneers, Hawkers and Pedlars					35, am
59	Mechanics' Liens					
60	Threshers' Liens	11, am	19, am	18, am	26, am	21, rep
61	Companies		17, am			30, am
62	Changing Names of Companies		20, rep			
63	Foreign Companies		18, am	14, rep		
	*Disallowed, Can. Gazette, Vol. XXXV, p. 2417		22, rep			
64	Mining Companies		19, am			
65	Dairy Associations		20, rep		10, rep	
66	Benevolent Societies				12, am	
67	Mechanics' Institutes					
68	Cemeteries				38, am	
69	Agricultural Societies	13, am				
		14, rep				
70	Municipalities	15, am	23, am	18, am	13, am	
		23, am	9, am	19, am		17, rep
71	Assessment of Railways					
72	Villages	16, am	25, rep			
73	Local Improvement	17, am	27, rep			
74	Irrigation Districts	18, am	28, am	25, am		
75	Schools		26, am			
76	Marking and Inspection of Stock	19, rep	22, rep			
		In part				
77	Fences	21, am	27, am	28, rep		
78	Stallions and Bulls		28, am			
79	Pound Districts		29, am			
80	Stray Animals		30, am		10, am	
81	Herding of Animals				38, am	33, am
82	Protection of Sheep					
83	Injury of Stock by Railway Trains					
84	Noxious Weeds	22, rep				
85	Protection of Game	23, am	32, am	29, rep		
86	Pollution of Streams					
87	Prairie and Forest Fires			25, am	30, am	13, am
88	Chimneys			26, am		
89	Sale of Intoxicating Liquor		32, am	33, am		31, am
90	Insane Persons					28, am
91	Profanation of Lord's Day	24, am				38, rep
92	Use of Tobacco by Minors					
93	General Trust Corporation of Canada					

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting amending or repealing							Provincial Statutes				
1899		1899	1900	1901	1902	1903 Stats. 1	1903 Stats. 2	1904	1906	1907	1908	1908-9	1909
Cap. 1	Appropriation												
2	Legislative Assembly												
3	Elections												
4	Coal Mines Regulations		3, am								3, rep		
5	Judicature												
6	Clerks												
7	Partnership												
8	Legal Profession												
9	Dentistry							4, am					
10	Veterinary Surgeons												
11	Threshers' Liens												
12	Companies Winding up			20, rep									
13	Agricultural Societies												
14	Agricultural Societies		21, am			17, rep							
15	Municipalities												
16	Villages		25, rep										
17	Local Improvement			26, aft									
18	Irrigation Districts			27, rep									
19	Inspection of Stock												
20	Horse Breeders					23, rep			41, am		38, am		
21	Fences												
22	Noxious Weeds					28, rep							
23	Protection of Game		31, am			24, rep							
24	Insane Persons						20, rep						
25	Calgary General Hospital												
26	City of Calgary												
27	Indian Head					27, am							
28	Town of Strathcona		38, am										
29	Edmonton Club					32, am							
30	Qu'Appelle Grist Mill												
31	Pence River Gold Dredging Company												

1	Appropriation
2	Vital Statistics
3	Coal Mines Regulations
4	Public Lands 4, rep
5	Judicature
6	Clerks
7	Sheriffs
8	Justices of the Peace.....
9	Remission of Penalties.....
10	Confirmation of Tax Sales..... 12, rep
11	Assignments for Creditors
12	Mortgages and Sales of Personal Property
13	Workmen's Compensation
14	Legal Profession
15	Medical Profession
16	Dentistry
17	Companies
18	Foreign Companies
19	*Disallowed, Can. Gazette, Vol. XXXV, n. 2417.
20	Mining Companies
21	Hall Insurance
22	Agricultural Societies
23	Brands
24	Municipalities
25	Municipal Grants
26	Villages
27	Schools
28	Fences
29	Stallions and Bulls
30	Pound Districts
31	Stray Animals
32	Noxious Weeds
33	Sale of Intoxicating Liquor.....
34	Provident Trust and Investment Co.
35	Presbyterian Church
36	Edmonton Municipal Works
37	Town of Edmonton..... 15, am 32, am
38	Town of Lethbridge.....
39	Indian Head
40	City of Calgary
41	South Qu'Appelle
42	Town of Yorkton..... 31, am

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing						Provincial Statutes					
		1899	1900	1901	1902	1903	1903	1904	1906	1907	1908	1908-9	1909
Cap. 42	Regina Victoria Hospital				24, am	34, am	Sess. 1 Sess. 2				57, am		
43	Edmonton Public Hospital												
44	Prince Albert Victoria Hospital												
45	Medicine Hat General Hospital												
1901													
Cap. 1	Appropriation												
2	Interpretation												
3	Public Service												
4	Public Works						6, rep 3, am 2, am ss31-46						
5	Public Printing												
6	Public Printing						4, am						
7	Steam Boilers								16, am				35, am
8	Hospitals												
9	Hail Insurance						7, rep						
10	Judicature												
11	Decision on Constitutional Questions												
12	Confirmation of Tax Sales						9, am			38, am			
13	Devolution of Estates												
14	Clerks												
15	Official Auditors												
16	Exemptions												
17	Marriages												
18	Legal Profession												
19	Threshers' Liens												
20	Companies												
21	Water, Gas, Electric and Telephone Companies								31, am 32, am 38, am 15, am 35, am				
22	Foreign Companies												
	*Disallowed, Can. Gazette, Vol. XXXV, p. 2417												
23	Municipalities						19, am 22, am			17, rep			
24	Exemption of Beet Sugar Factories						20, am 23, am 7, am						
25	Villages												35, rep
26	Local Improvement												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes				
1903 (Sess. 1) Cap. 1		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	1909
2	Appropriation (Interim)												
3	Appropriation												
4	Interpretation												
5	Legislative Assembly						2, am						
6	Public Inquiries												
7	Drainage												11, rep
8	Hall Insurance									29, am		12, rep	
9	Judicature												
10	Confirmation of Tax Sales												
11	Notaries Public												
12	Marriages												
13	Medical Profession												
14	Companies Winding up										38, am		
15	Foreign Companies						19, am						
16	Trust Companies												
17	Fire Insurance Policy						20, am				38, am		35, am
18	Agricultural Societies												
19	Municipalities												
20	Municipalities						22, aff						
21	Villages						23, am						
22	School Assessment								35, rep				
23	Brands												
24	Horse Breeders												
25	Noxious Weeds												
26	Prairie Fires												
27	Sale of Intoxicating Liquor												
28	City of Calgary						30, aff					13, am	
29	City of Regina												
30	Town of Moosomin												
31	Town of Lethbridge												
32	Town of Yorkton												
33	Town of Strathcona												
34	Moose Jaw Municipal Works												
	Regina Victoria Hospital												
									</				

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance		SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing					Provincial Statutes						
1903	1904		1899	1900	1901	1902	1903	1903	1904	1906	1907	1908	1908-9	1909
Sess. 2							Sess. 1	Sess. 2						
Cap. 32		Town of Edmonton												
33		Town of Raymond												
34		City of Moose Jaw							15, am	49, am				
35		Cypress Club												
1904														
Cap. 1		Appropriation												
2		Public Works												
3		Masters and Servants											15, am	35, am
4		Legal Profession								32, am				
5		Dentistry										17, rep		
6		Municipalities												
7		Villages												
8		Local Improvement								36, rep				
9		Schools												
10		School Grants												
11		Noxious Weeds												30, rep
12		Game												
13		Prairie Fires												
14		Sale of Intoxicating Liquors												
15		City of Moose Jaw (area)												
16		City of Moose Jaw (bylaws)								49, am				
17		City of Regina												
18		Town of Medicine Hat												
19		City of Edmonton												
20		City of Prince Albert												
21		Town of Strathcona												
22		Maple Creek General Hospital												
23		Lady Minto Hospital Indian Head												
24		Western Canada College								52, am				
25		Alberta College												
26		Alberta Club												
28		The English Club												
27		Indian Head Club												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing						Provincial Statutes					
		1899	1900	1901	1902	1903	1903 Sess. 1	1904 Sess. 2	1906	1907	1908	1908-9	1909
1906													
Cap. 32	Mechanics' and Literary Institutes										17, rep		
33	Municipalities										38, am		35, am
34	Municipal Public Works										16, rep		
35	Villages										32, am	13, am	7, am
36	Local Improvements										35, am		25, am
37	Public Libraries										23, am	38, am	31, rep
38	Agricultural Societies												
39	Manufacture of Butter and Cheese												
40	Dairymen's Ordinance												
41	Inspection of Stock												
42	Brands												
43	Noxious Weeds											13, am	
44	Motor Vehicles												
45	Consolidation of Ordinances and Acts												
46	Regina Charter								36, am				
47	Saskatoon Charter												
48	Town of Caron												
49	City of Moose Jaw												
50	City of Moose Jaw												
51	Town of Indian Head												
52	Indian Head Hospital												
53	Baptist Convention												
54	Finnish Lutheran Church												
55	Saskatchewan Insurance Co.												
56	Northern Development Co.												
57	Moose Jaw and Suburban Railway Co.												
58	Saskatchewan and Alberta Railway Co.												
59	Regina and Saskatchewan Railway Co.												
60	Canadian Central Railway Co.												
61	Saskatchewan Central Railway Co.											19, am	
62	Moose Jaw Club												
63	Police and Outing Club												
64	Police and Outing Club												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing						Provincial Statutes					
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	1909
1907. Cap. 41	Regina Exhibition												35, am
42	Commercial Trust												
43	Methodist Church												
44	Saskatchewan Central Ry. Co.												
45	Elks Club of Moose Jaw												
46	Saskatoon Club												
47	Elks Club of Saskatoon									60, am			
48	Saskatchewan Club												
49	Yorkton Club												
1908 Cap. 1	Appropriation											15, am	35, am
2	Elections												
3	Athabasca Election												
4	Legislative Assembly												
5	Railway and Telephone Department												
6	Municipal Telephone												
7	Rural Telephone												
8	Seed Grain												35, am
9	Supplementary Revenue												
10	Stray Animals												
11	Steam Boilers										15, am	35, am	
12	Public Works											9, rep	
13	Local Improvements										7, am		
14	Liquor License										14, am	35, am	
15	Municipal Commissioner											35, am	
16	City											38, am	
17	Town											16, am	21, am
18	Village											16, am	22, am
19	Free Text Book											15, am	23, am
20	Secondary Education												
21	Woodmen's Men												
22	Marriage												
23	Marriage Courts												

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance or Act	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing							Provincial Statutes				
		1899	1900	1901	1902	1903 Sess. 1	1903 Sess. 2	1904	1906	1907	1908	1908-9	1909
1908-9 Cap. 5	Railway Taxation												24, am
6	Rural Municipalities												35, am
7	Local Improvements												25, am
8	Judges' Orders												
9	Land Titles												
10	Veterinary Association												35, am
11	Thresher Employees												
12	Hall Insurance												
13	Noxious Weeds												
14	Liquor License												
15	Statute Law Amendment												35, am
16	City of Prince Albert												
17	City of Moose Jaw												
18	Saskatchewan North-Western Ry. Co.												
19	Saskatchewan Central Railway Co.												
20	Farmers' Railway Co.												
21	Regina Interurban Tramway Co.												42, am
22	Saskatchewan Mortgage Corporation												

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TO THE

Acts of the Province of Saskatchewan

Second Session—Second Legislature
9 Edward VII, 1909

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